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ABSTRACT

The first in a series of planned secondary curriculum materials about the Mississippi Band of Choctaw Indians, the book traces Choctaw tribal government from before seventeenth century contact with the French to the present day. Chapter I treats tribal government in the period before contact with the French, when Choctaw family structure and relationships were well defined. Chapter II discusses the course of the seventeenth and eighteenth century French alliance with the tribe. Chapter III details a series of United States-Choctaw treaties dating from 1786 and including the 1830 Treaty of Dancing Rabbit Creek which resulted in the removal of many of the Choctaw to Oklahoma. Chapter IV described the tribe's "dark ages" between 1830 and the 1921 colonization operation of the Choctaw Agency. The chapter also describes the 1944 declaration of the Choctaw Reservation, the re-emergence of tribal government and its 1975 reorganization, and the new spirit of self-determination and economic development that exists today. The chapter contains biographies of five tribal leaders. Appendices contain the text of nine treaties and the revised tribal by-laws and constitution. The book, written by tribal members and scholars, is illustrated with black-and-white photographs and maps. (SB)

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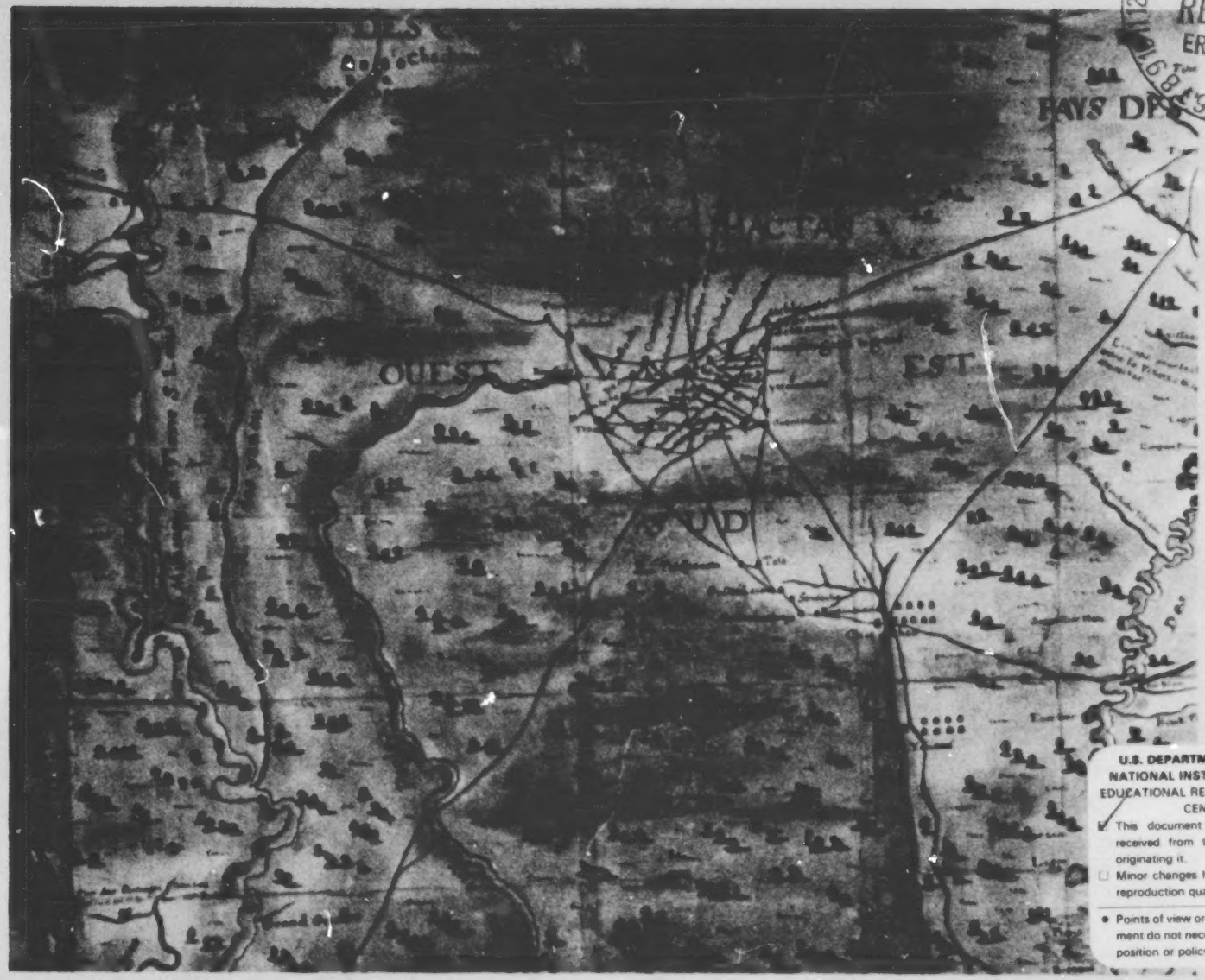
CHOCTAW TRIBAL GOVERNMENT

A New Era



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TRIBAL GOVERNMENT
A New Era

Edited by
William Brescia

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To Rahka and Misty Dawn

. . .the highest form of love is self-sacrifice — the willingness to go without, even to give one's own life, if necessary, to foster life itself.

Jeremy Rifkin
ENTROPY: A New World View

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INTRODUCTION

This book is a land mark for the Mississippi Band of Choctaw Indians, as it is the first in a series of curriculum materials that are planned for development over the next three years. This series will fill a void that has existed for too long in secondary materials about the tribe. While none of these materials is meant to be the definitive work on Choctaw life, the materials will, as a group, be quite useful to the classroom instructor and interesting to students and to the general public as well.

The choice of tribal Government for the first project was not an easy decision. The flood of requests for information coming to the tribe and to local libraries concerning the Choctaw mainly reflects the lack of knowledge most Mississippians have concerning the tribe. The vast majority of those requests ask only for information about the tribe long ago or about arts and crafts. While both of those categories are reasonable and things we wish to respond to, the overwhelming need for the people of Mississippi simply to know that a tribal government exists in their state made the first project choice necessary. If it were obvious it should have been easy.

Each chapter of this book was commissioned to a different author. Ken York, a tribal member and scholar, has done several papers on the Choctaw language and precontact era. His bibliography of Choctaw materials is invaluable and is available at the Choctaw Museum. Patricia Galloway, of the Mississippi Department of Archives and History is the foremost authority on the French in Mississippi; she serves on the Choctaw Heritage Council and has written several publications concerning Choctaw-French Contact. Sam Wells, from the University of Southern Mississippi, has worked with the tribe as an advisor on *We Are Choctaw*, a recent publication of the tribe. His research has focused on tribal relations with the United States. Benjamin Strout is a professional writer from Bloomington, Indiana. He has worked in the area of curriculum writing for many years. He has also served as a script consultant on major motion pictures. He spent a great deal of time on the reservation researching files and documents and talking to tribal members.

This project, in conjunction with the several projects now in progress at the Choctaw Museum, will make available to tribal members and the general public information that has to date been available only to those with the time and resources to do the necessary research. Much work remains to be done. I hope that the reader will treat this work kindly and find it an inspiration to pursue more information.

William Brescia

This book was developed by the Ethnic Heritage Staff of the MISSISSIPPI BAND OF CHOCTAW INDIANS

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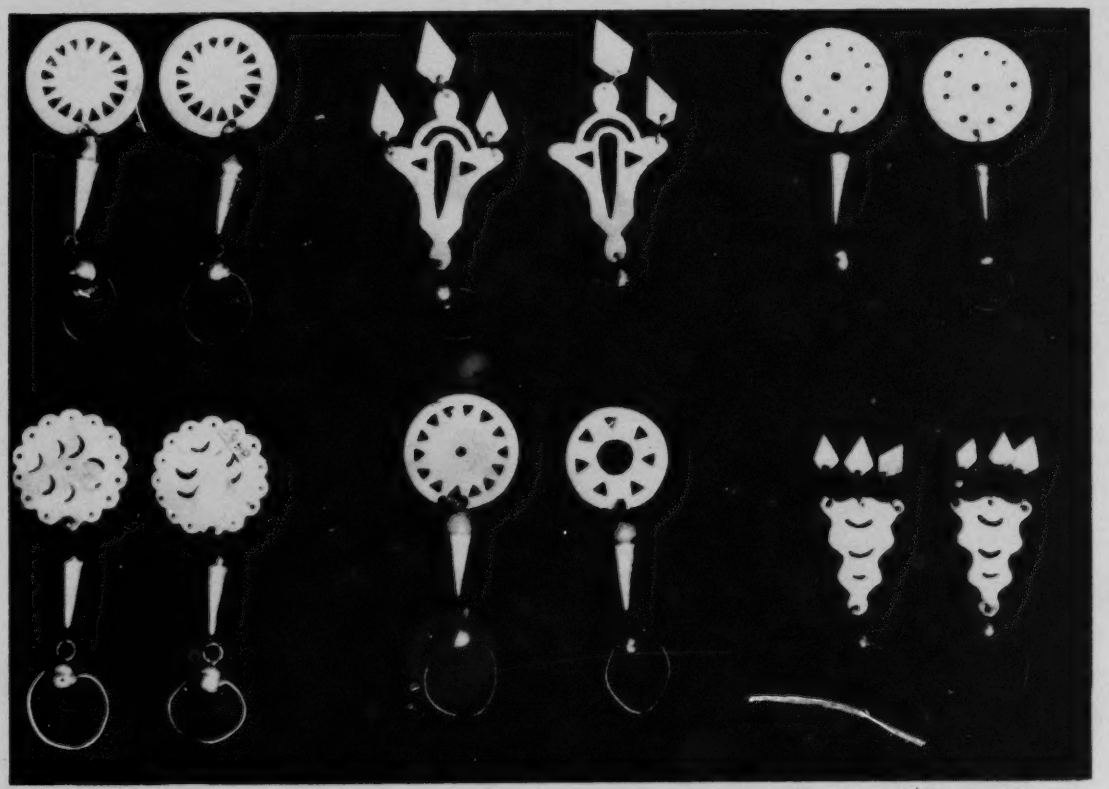
Prologue:

To understand how any Nation governs its members has been a topic of interest for politicians, lawyers, historians, and political scientists. However, practically little information exists on how the American Indian governed members of their nations, tribes, towns, and villages. There is no concise history of the Choctaw Tribal Government, including the pre-historical, historical and contemporary political, social, educational and economic systems. The purpose of this book is to speak to a small portion of the larger topic of Choctaw Tribal Government. The focus will be on the prehistorical Choctaw government ending with the Treaty of Dancing Rabbit Creek in 1830, and Choctaw Tribal Government today.

One problem in studying how the Choctaw government met the needs of its members prior to European contact is that no recorded history was made. Oral history and archaeological reports provides some insights. However, little research has been performed in the area of Choctaw archaeology to provide conclusive data. Most information is found in documents left by the Spanish, French and English explorers, priests and government officials. Later, as the expansion of the United States occurred, American ethnologists and anthropologists reported on American Indians, including the Choctaw Indians.

Perhaps the largest collection of data available on Choctaw Indians pertains to the treaty period. Information on the Choctaw and federal government relationship should be important to the student of Indian history because the Choctaw Nation was viewed by the United States Government as one of the most progressive groups of Indian people. Most of the well-known Choctaw leaders came from this critical period of Choctaw history.



Choctaw Silver work

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DEMOCRATIC OR AUTOCRATIC

It may be impossible to completely reconstruct how the Choctaws governed themselves prior to European contact. However, there are indications that the Choctaw Nation consisted of small confederacies, towns and villages with each unit having a distinguished leader, or leaders. Each village or town was considered separate with its own government and distinguishable boundaries. In this sense, the Choctaws had a democratic type of government structure. Not one, but, perhaps, several distinguished leaders of villages or towns made up the Council. The following description indicates how a typical Southeastern Indian governmental leadership structure may have been:

> *. . . The Supreme, sovereign or executive power resides in a council of elderly chiefs, warriors and others, respectable for wisdom, valor and virtue (perhaps, thus including women). Minko was the head of the Council. He had the power and perogative of calling a council to deliberate on peace and war, or all public concerns, as inquiring into, and deciding upon complaints and differences, but he had not the least shadow of exclusive executive power.*
>
> *The **war chief** was the next man in order of dignity and power. He represented and exercised the dignity of the Minko, in his absence in council. His voice was the greatest weight in military affairs. His power and authority are entirely independent of the Minko, though when a Minko went on an expedition, he headed the army of warriors, and was, therefore, the war chief. They were elderly men, who in their youthful days had distinguished themselves in war by valor, subtility, and intrepidity.*
>
> *The high priest lived in every town. He presided over spiritual affairs. As a person of consequence, he maintained and exercised great influence in the State, particularly in military affairs. The council never determine on an expedition against their enemy without his counsel and assistance. People believed he had communion with powerful invisible spirits, who had a share in the rule and government of human affairs, as well as the elements . . . .(Father Charlevoix, 1721, p. 131.)*

Many historians indicate that the Choctaw Indians did manage to benefit from the series of treaties and exchange to property, but they neglect to mention those Choctaws who refused forced removal. The feelings of those Choctaw who stayed on their ancestral lands were captured by Judge James P. Coleman when he wrote, "By the Next Morning after the Treaty of 1830 was signed, the Choctaw Nation in Mississippi was no more."

> *Tishomiko were other leading men in the Choctaw Nation. They were assistants to the miko. They served as spokesmen for the miko, arranged ceremonies, and generally assisted their chosen leaders in the performance of their duties. (Hodgson, 1823, pp. 278-279).*

Eagle Dance of the Choctaw by George Catlin 1834. Catlin drew several pictures of the Choctaw. The Eagle Dance was one of many dances performed before a council would take place. Reprinted by permission NATIONAL MUSEUM OF AMERICAN ART (formerly National Collection of Fine Arts), Smithsonian Institution; (Gift) of Mrs. Serah Harrison.

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The old men, women, youth and children completed the governmental structure.

There are also indications that villages and town may have been further divided into white (peace) and red (war) towns or villages. The significance of these towns or villages is not certain, but they may have had to do with the training provided to young men in the skills important to preserving the nation.

The Choctaws had annual economic cycle which influenced much of their activities. Gideon Lincecum, a physician and naturalist, who lived with the Choctaws, gave the following description:

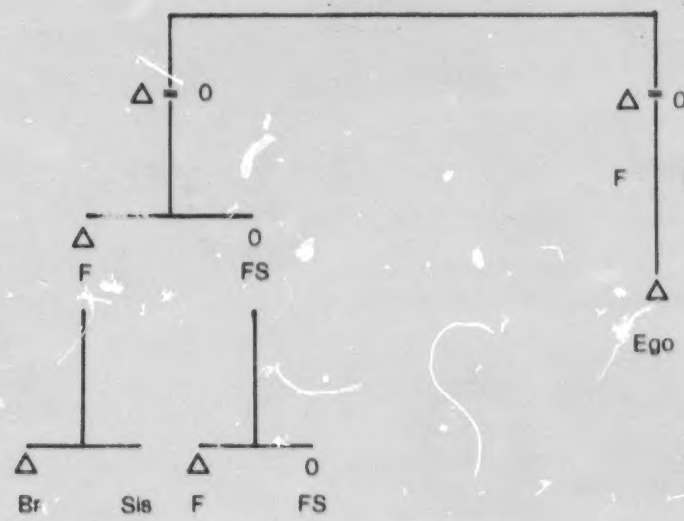
> *"In midwinter the fields were prepared for spring planting. After the crops had been planted in the spring and were growing well, the Choctaw dispersed to various streams and lakes, living on fish, turtles and fruits until time for the Green Corn Dance in early summer. After the ceremony, they returned to the streams and lakes and remained until time for harvesting corn in the fall. When the corn had been harvested and stored, the men went off on their regular fall and early winter hunt, and the women, children, and old people searched the woods for nuts and autumnal fruits. By midwinter all had returned and the cycle began again with preparation of the fields for spring planting." (Lincecum, 19)*

The Choctaw villages or towns were highly organized with its own division of labor. Lincecum describes the economic activities of a typical Choctaw village:

> *"Men hunted the major game animals and boys hunted the smaller animals. Men hunted with the bow and arrow, while the boys used the blowgun in addition to the bow and arrow. Fishing was done by both men and boys, and boys collected mussels. Sometimes girls assisted boys in hunting small game, fishing, and collecting mussels. Women, old people, and smaller children did most of the food gathering. Honey was collected by men. Men, women, and children all participated in horticultural work. Cooking . . .(women did the) as well as preserving and storing foods derived from plants." (Lincecum 1904B, p. 521-542.)*

Evidence suggests that the Choctaws had a Crow type of kinship system. Fred Eggan, an anthropologist, found that though the Choctaw originally had a Crow

Crow Type
(Same system as Choctaw)



△ Male
0 Female
Ego Male

F = father
FS = father's sisters
Br = brother
Sis = sister

Chart I

type of kinship system, there had been definite changes through intensive outside influences over the past three centuries. (Eggan, 1937, p. 41) Within the old kinship system relatives are organized into four clans:

1. *One's own matrilineal clan*
2. *One's father's clan*
3. *One's mother's father's clan*
4. *One's father's father's clan*

Relatives are classified on a "lineage" principle. In the father's matrilineal lineage (and clan), for example, all men are "fathers," their wives "mothers" or "step-mothers," their children "brothers" and "sisters," all women of the father's generation and below are "father's sisters," those above being "grandmothers" or "father's sisters," all husbands of these women are "grandfathers," all children are "father's sisters" and "fathers." (Eggan, 1937, p. 45.)

Choctaw and Chickasaw traditions indicate a close relationship. There is a strong probability that the Chickasaw and Choctaw were once one tribe. There was no "northern" province of the Choctaw Nation, but only the southern, central, eastern and western. These divisions would change as we will see later. The Chickasaw inhabited the area which would have reasonably been a northern Choctaw district.

In addition, there is Nanih Waiyah, the sacred mother mound of the tribe. The fortified mound group clustered around the high mound; Nanih Waiyah stood between the traditional Choctaw and Chickasaw country. When the Chickasaw were part of the main body, the location of Nanih Waiyah would have been at the center of the nation where it would be safest.

The Choctaws were said to be the fastest runners of all southern Indians, able to out distance an enemy either in pursuit or in flight. They were also excellent fighters and hunters. Adair describe the "war names" as follows:

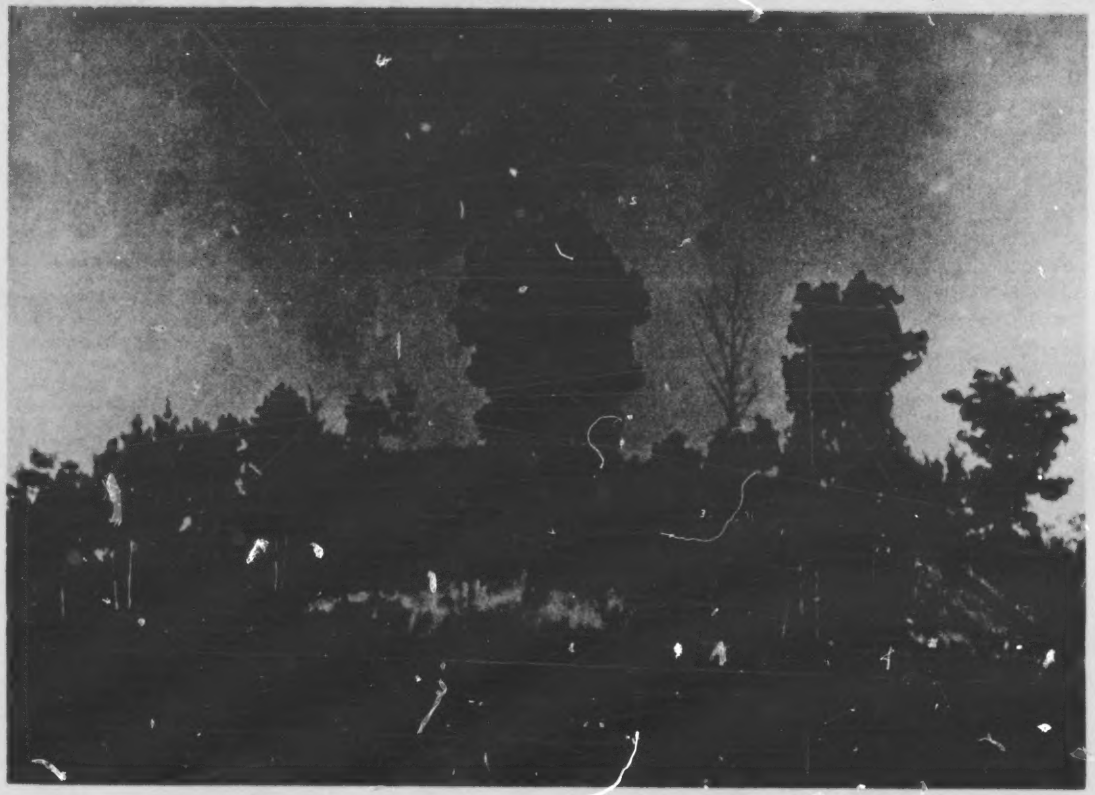
> *"They crown a warrior, who has killed a distinguished enemy. . . and Abi is their constant war-period, signifying by their rhetorical figure "one who kills another". The following is a specimen: one initiating in war-titles, is called "Tannap Abi", 'a killer of the enemy'; he who kills a person carrying a kettle, is crowned Asonak Abi Taska; the first word signifies a kettle, and the last a warrior. Shulush Humma Ashit Abi, the name of the late Choctah (sic) great war leader, our firm friend Red Shoes, is compounded of Shulush. . . deer skin shoes, Humma, red Asht . . .*
>
> *They give their children names, expressive of their tempers, outward appearances, and other various circumstances; a male child they will call Chula, the fox; and a female, Pakahle, the blossom, or flower. The father and mother of the former are called Chula Inki, and Chula Ishke, the father and mother of the fox." (Adair, 1930, pp. 199; 201)*

Abi is preserved in the modern Choctaw names as Tubby. Swanton illustrates how the change took place.

> *"The Chief, Homastubbee, also had a pipe. It was given by Simpson Tubby's great- grandfather, Mashulatubbi, to his grandfather, Aliktubbi, and then passed to his (father) Lewis Tubby." (Swanton, 1931, pp. 127, 131)*

The Choctaws practiced head-flattening. This custom and the Choctaw "Scaffold burial" for their dead is often mentioned by early writers. A cry for the dead was also practiced by the Choctaw. This occurred after the flesh of the body had been removed from the bones by the bone gatherer.

According to Campbell, the Choctaws also believed in a dual afterworld. A composite version symbolizes the following picture:



Nanih Waiyah as it appeared earlier in the twentieth century. Reprinted by permission Mississippi Department of Archives and History

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Cover of Rev. Simpson Tubby's EARLY STRUGGLES, a fearcely religious book about his life and the condition of the tribe. Only a few copies of the original volume still exist. EARLY STRUGGLES has re[illegible]; been re[illegible]inted.

"Each Choctaw is believed to have two souls that survive his death. One of these is the ***Shilup****, an outside shadow which in life always follows him, and after death remains in the vicinity to frighten his survivors by moaning at night or by assuming the form of a fox or an owl, uttering cries which are interpreted as bad omens.*

The second soul is the ***Shilombish****, and inside shadow or spirit, which at death goes to the afterworld." (Campbell, 1959, p. 149)*

The Choctaw government of the past was complex with an integration of state and religious principles intertwined closely. The relationship of civic, political, economic and religious leaders was one of mutual agreement. The Choctaws practiced a democratic, representative government, as shown by the council concept.

The extended family structure indicates a matrilineal emphasis, but the process of leadership selection, or election, had much to do with past activities of individuals in time of war or honorable event.

It seems likely that no one person had an exclusive executive power, but that as a collective unit, the councils were in proxy authority. The ultimate authority was in the hands of the people, a forerunner of the basic precepts of American democracy. The agricultural practice of individual family garden plots further supports the theory of a democratic society.

The concerns of the Choctaw government in prehistorical past is not completely reconstructed; however, continuing inquiry into past Choctaw government should enhance this small beginning.

Chapter 2

French-Choctaw Contact, 1680s to 1763

AFTEREFFECTS OF THE LA SALLE EXPLORATION, 1682-1700

The first French exploration party to penetrate deeply into the southeast was the one led by La Salle down the Mississippi River in 1682. The records of that exploration show that the Frenchmen met Quapaws, Chickasaws, Natchez, and Coroas, but there is no mention of Choctaws. In many ways, however, this expedition was fated to focus European attention on the Choctaw.

First and most directly, the expedition led to the establishment of a trading post on the Arkansas River among the Quapaws in 1686. The post was established by Henri de Tonti, La Salle's right hand man. This post, as a follow-up to La Salle's exploration, scared the English colonists of the Carolinas and Virginia, who realized that the French were determined to colonize the Mississippi Valley, thereby blocking the westward push of British colonists.

THE COURSE OF THE FRENCH ALLIANCE, 1702-1720

By the time the French were ready to make a serious attempt at colonization on the Gulf Coast, the Choctaw had lost more than eight hundred people to British slave raids, not counting those who were killed in defending their villages. The French, led by Iberville, landed on the Mississippi Gulf Coast in 1699 among the Biloxis and Pascagoulas. Information given by these coastal tribes soon made the French aware of the size and power of the Choctaw Nation, as well as its predicament at the hands of slave raiders. In 1702, a small French settlement had been estabished on the coast near Ocean Springs. The French were preparing to make a larger settlement at the north end of Mobile Bay, and Tonti was summoned south by Iberville to serve as his ambassador to the Choctaws and Chickasaws.

The Choctaws had had time to weigh the advantages of an alliance with this new group of Europeans. These

DE SOTO DISCOVERING THE MISSISSIPPI by **Alexander Alaux** . This painting currently hangs in the Old Capital Building in Jackson, Mississippi. Though welcomed with open arms by the tribes of the Southeast, De Soto returned their kindness with demands for wealth and women. He was later unceremoniously kicked out of Choctaw counties after several battles with the tribe and its allies. Reprinted by permission Mississippi Department of Archives and History.

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Europeans had shown no interest in Choctaw lands. They offered a trade that would provide them with the guns they needed to defend themselves against the slave raids. Tonti had hopes of securing an alliance with the Chickasaws and expelling the British traders from their villages.

As the small French colony struggled to implant itself around Mobile Bay and the Mississippi coast, early crops attempted by the colonists failed frequently. When supplies from France ran short, the French depended upon the considerable farming and hunting skills of the Choctaws for food. For this, the French traded firearms and other goods. Sometimes things were so bad with the French colony that some of its people would be sent out to live among the colony's Indian allies, which included the Choctaw.

Although the new French trade held many benefits for the Choctaws, it also had its perils. Greatest among these was European disease. The Choctaws had never encountered European diseases like smallpox, cholera, plague, or typhoid, so they had no natural immunity to any of them. Whenever such a disease broke out among their European neighbors, it was likely to spread in epidemic proportions among the Indians. So although at the time of French contact the Choctaw probably numbered more than twenty thousand, disease brought that number down to fifteen thousand within ten or fifteen years.

The alliance with the French also altered the Choctaws' political relationships with neighboring tribes. The evidence of archaeology, together with what is said in the earliest documents about the reputation of the Choctaw as seen by other tribes, suggests that those tribes considered the Choctaw to be an important and sometimes fearsome tribe, one to which it was a good idea to stay on good terms.

When the English and then later the French came, these patterns of friendship, alliance, and enmity shifted. It is likely, for example, that since the Natchez were early allies of the French as well, a better relationship between the Natchez and the Choctaw developed for a time. Certainly the coastal and Mobile Bay tribes became even more closely linked with the Choctaw for the same reason. On the other side of the coin, when the Chickasaw were unwilling in the end to give up the British trade, a certain amount of antagonism began to develop between them and the Choctaw. Things were not the same in intertribal relationships after the arrival of these two strange groups of whites.

Both Frenchmen and Choctaw knew perfectly well that alliances rested upon exchange of goods and services that were seen to be profitable by both sides. But, there were differences in the two groups' ideas of what these exchanges meant. To the Choctaws, there was really no "trade". The two parties to an alliance exchanged gifts with each other, and in the end these gifts worked out to a roughly equal value. The French, on the other hand, made an actual distinction between gifts and trade. The trade was strictly regulated: so many deerskins for a gun or a shirt. The gifts, which were given out by the French to certain Choctaw men whose political influence they wanted to win over, were meant to build French influence by being used to turn by these men as gifts to other Choctaws. In this way, the French tried to build a system of ranks among their friends, honoring one man as supreme chief of the nation. Three or four men were honored as "medal chiefs"; because they were given large silver medals to wear, they were called "medal chiefs". Finally the village chiefs and "honored men" (probably older men who served as advisors to the chiefs) received gifts according to their ranks.

PUTS OUT AND KILLS, FIRST CHIEF by George Catlin 1836. A medal chief. NATIONAL MUSEUM OF AMERICAN ART (formerly National Collection of Fine Arts), Smithsonian Institution.

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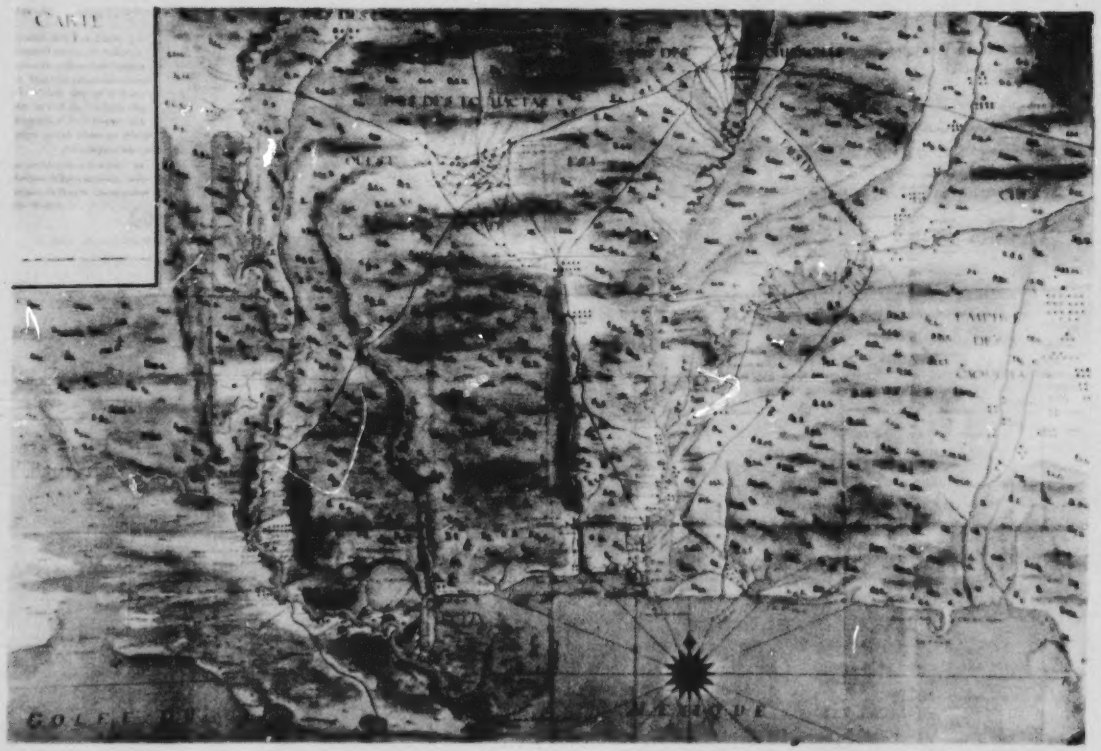
During the early years of the French colony, colonists numbered only a few hundred. They were concentrated on the Mississippi Sound coast and at the upper and lower ends of Mobile Bay. The French colony was weak during this period, so much so that as a money-making proposition, it was a complete failure. Because of this weakness, the French were frankly dependent upon the Choctaw for help and sometimes for mere survival. Yet the policies followed by the French governor, Cadillac, which amounted to milking the colony of every penny it could yield, made trading terms with the French less and less favorable. He came close to losing most of the colony's Indian allies, including the Choctaws, to an aggressive English trading policy.

The Choctaw-French alliance was saved by the greediness of the British traders, which led to the outbreak of the Yamassee War and the downfall of the British traders in 1715-1717. The Yamassee War was really a full-fledged and widespread uprising against the English, especially among their closer Indian neighbors to the east. In addition, the French colony's operation was taken over by John Law and the Company of the West. Then, in 1717 the seasoned Indian diplomatist Bienville was commissioned as governor. Bienville proceeded to capitalize upon the results of the Yamassee War by establishing several new French posts: Fort Toulouse of the Alabamas at the site of present-day Montgomery, Alabama, on the invitation of the new Alabama Indian allies; Fort St. Pierre of the Yazoos near modern Vicksburg, where it could protect Mississippi River shipping; and Fort Roasalie of the Natchez on the Natchez Bluffs, built by the Natchez themselves, as an apology for their reception of the English. As yet, however, no trade house or outpost was placed among the Choctaw except for the small stocks of itinerant traders that were kept in some villages.

THE FRENCH ALLIANCE AND CLIENT WARFARE, 1720-1740

Under John Law the population of the Louisiana colony was increased rapidly as hundreds of settlers were sent over from France during the 1719-1722 period. Yet still there was no pressure on the Choctaw lands of east central Mississippi, for the center of the colony had shifted west when Bienville designated Biloxi as the main port of entry for the new colonists. As New Orleans began to be built on the Mississippi, even the capital was shifted from Mobile to the new city. With this shift, most settlement pressure was exerted on the Natchez. But, there were undeniable benefits that the Natchez could derive from the closeness of a French settlement, so that it was not until 1729, under the oppression from a particularly greedy post commander, that the Natchez staged a major revolt. Alsmost all of the French men in the settlement were killed, while their wives, children and black slaves were taken prisoner by the Natchez. A few days later the Yazoos, who had conspired with the Natchez, also revolted and killed the men at Fort St. Pierre. Clearly, whatever may have been the justification for the Natchez and Yazoo revolts, the French felt they had to punish these tribes or lose face with the rest of their Indian allies.

But, the French colony was certainly not as well- supplied with soldiers as the Natchez and their allies were, so the French had to turn to their Choctaw allies for help in punishing the Natchez in 1730-1731. During the year of the Natchez rebellion, Governor Perier, who had replaced Bienville in 1723, had sent a young officer, Regis du Roullet, to make a study for the establishment of a government-controlled trading house in the Choctaw nation. Regis and another officer explored a good deal of the Choctaw homeland. Ultimately Regis established his trading post in the southernmost Choctaw town of Yowani on the Chickasawhay River because it was handy to both Mobile by land and New Orleans by river. But, the other important thing for Choctaw history that came out of this exploration was the first attempt at a comprehensive mapping of the Choctaw towns, the famous 1733



Map of Louisiana drawn by Baron de Crenay in 1733. Shows the French settlements and the territory claimed by each of the several Indian nations in the lower Mississippi Valley. (see cover for detail of Choctaw Nation). Reprinted by permission Les Archives de France

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map made on the basis of Regis' and de Lusser's reports by the commondant at Mobile, the Baron de Crenay. This map would remain the best source for the location of the Choctaw towns until the later remapping in 1772 by Bernard Romans.

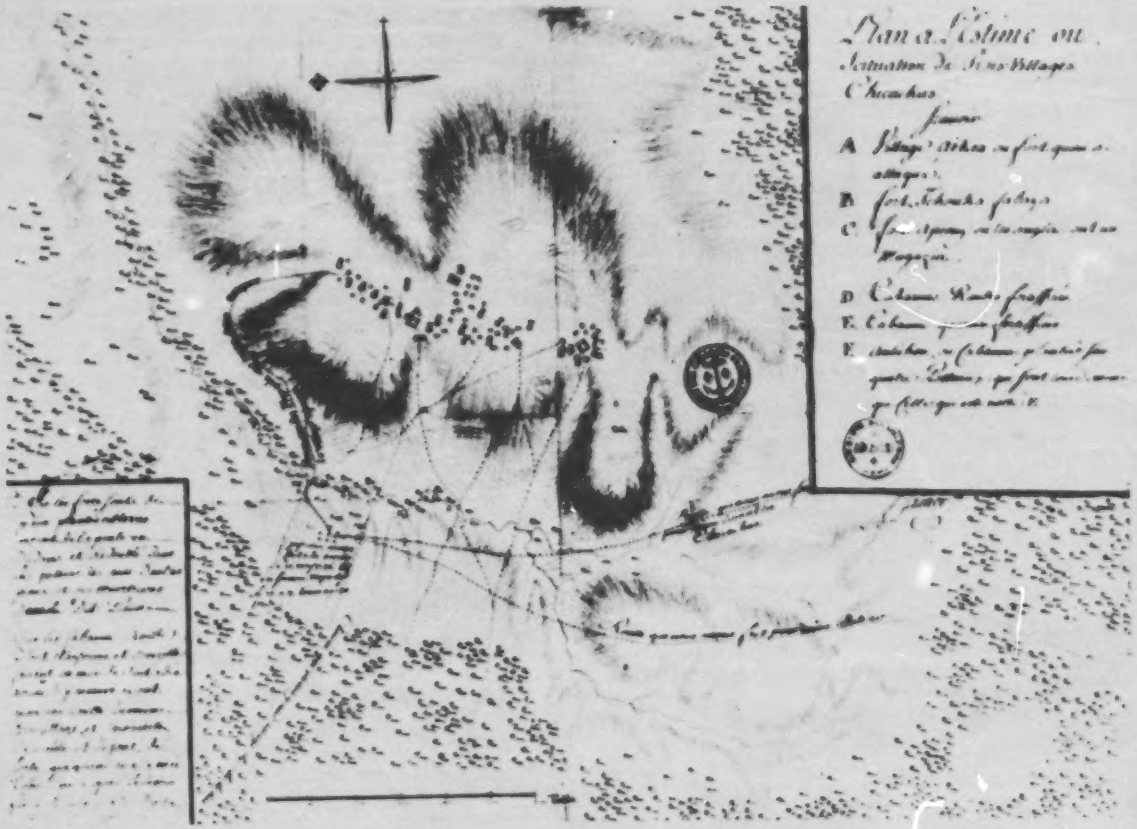
After the Natchez wars, the French realized that although they had driven the Natchez from their homes, they had by no means destroyed the tribe. Instead, its survivors fled to the Chickasaws of north Mississippi, who had never completely given up alligiance to the English and had probably been involved in the Natchez-Yazoo conspiracy. In spite of the fact that it did ultimately fail, Governor Perier was blamed—probably with justice—for having allowed such an uprising to take place at all. Once more Bienville returned to take over as governor. His job—to destroy the Natzhez once and for all and to subdue the Chickasaw and force them to give up their alliance with the English.

As a start, Bienville, encouraged the Choctaw to make raids on the Chickasaw and paid bounty for each Chickasaw killed, in hopes that this tactic would force the Chickasaws to hand over the Natchez living among them and to trade only with the French. It soon became apparent that this plan would not work. It would, therefore, be necessary to undertake a major war against the Chickasaw, which Bienville did in 1736. He and his Choctaw allies came up the Tombigbee River with the intention of attacking the Chickasaw from the south while a party of Frenchmen, with their Illinois Indian allies, attacked from the north. But, just as with the missed timing of the Natchez-Yazoo uprising, the northern group attacked too soon, and many of the Frenchmen in the party were captured and killed by the Chickasaws. Their English military advisors found the campaign plans in the French commander's pocket, and when the French and Choctaws attacked several days later, the Chickasaws were ready for them, and thus, Bienville lost the famous battle of Ackia in the vicinity of modern Tupelo, Mississippi.

His Choctaw allies had acquitted themselves well, however, and in this war, a young Choctaw chief began to make a name for himself. It was by his war exploits that Soulouche Oumastabe*—Soulier Rouge to the French and Red Shoes to the English—earned the French medal that made it possible for him to begin to build a power base within the tribe. Alibamon Mingo* also played a prominent part in the Natchez wars and received a French medal. These two men were eventually to become the most influential leaders of the tribe.

Bienville's failure at Ackia meant that he had to mount another expedition to assert French supremacy in the area and to remove the Chickasaw threat to Mississippi River traffic. This expedition was to include massive numbers of French troops sent to Louisiana specifically for this purpose. While preparations were taking place, however, two Choctaws, a man and his wife, were murdered by two young men from Mobile. The Choctaw asked that justice be done. Bienville, realizing the risk of losing Choctaw allies, saw that the young men were tried and executed in front of Choctaw witnesses, thus establishing a precedent for equal justice for Indian allies.

Bienville's second Chickasaw war of 1739-1740 was a failure from the start. Soldiers who were not already sick from the voyage from France fell ill on the way up the Mississippi River. The French found that it was impossible to transport artillery and supplies through the swamps of the Yazoo Basin to reach the Chickasaws, and the "war" ended in a half-hearted and face-saving peace negotiated after a single attack made by a Canadian contingent and its Indian allies. Bienville had failed, and for that he was recalled to France. Louisiana lost its wisest Indian diplomatist.



A drawing of the location of the Ackia, Chukafalya, and Apeony villages, showing French attack routes (1736). Reprinted by permission of Les Archives de France

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THE CHOCTAW CIVIL WAR, 1747-1750

From 1740-1744 the situation remained rather uneasily the same as it had, Bienville was replaced by the Marquis de Vaudreuil. In 1744, however, another war broke out in Europe, with French and Great Britain on opposite sides. The success of English sea power in this war meant that soon it became impossible for the French in Louisiana to obtain the trade goods that the Choctaw wanted. This was a crucial issue, because among the Choctaw a whole generation had had time to grow up using guns instead of bows and arrows, cloth instead of skins, and brass cooking pots instead of native pottery. The Choctaw had become used to a steady supply of European trade goods. So it was that during the middle 1740s Alibamon Mingo joined Soulouche Oumastabe in inviting English traders into the nation.

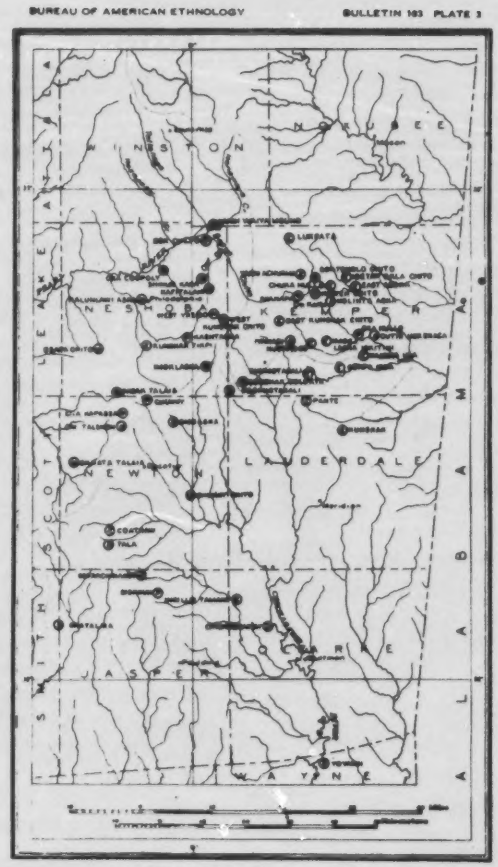
This move was strongly resented by the French, although the Choctaw intention seems to have been merely to take a neutral course, as the Alabamas had done all along. It was obvious to any practical-minded Choctaw that he would be foolish to break entirely with the French, and that he could also enjoy more material comforts if he maintained a trade with the English. The French, of course, did not see it that way, and they feared what might happen to their powerful Choctaw alliance.

The precise circumstances of what happened next will probably never be known, but for various reasons, including some undue attentions paid to Soulouche Oumastabe's wife, a young officer from Tombecbe fort and two traders who lived in the nation were killed. This happened apparently at the command of Soulouche Oumastabe but also with the cooperation of the two chiefs in whose villages the traders were located. No one had forgotten that in 1738, the two young Frenchmen had murdered two Choctaws and had been executed for it, so to the French it seemed eminently reasonable that they should demand the same kind of justice from the Choctaw. But the Choctaw had no courts or official executioners; when a murder occurred within the nation, the family of the victim were entitled to expect that the murderer would present himself for execution. To do otherwise was a disgrace to one's family and unthinkable. Everything thus balanced out equally, and everyone understood that this was what would happen. But, in this case, though it was an ally whose men had been murdered any Choctaw who tried to avenge the murders would then put himself or his family in jeopardy within the nation. So at first the Choctaw responded by killing Chickasaws and Englishmen, the common enemies of Frenchmen and Choctaw.

The French did not understand this principle, and continued to insist that the guilty men or the chiefs who had ordered the murder should be killed by the Choctaw themselves. To encourage their allies, the French threatened to withhold the trade merchandise that the Choctaw needed. Their allies, however, no longer included the whole of the Choctaw tribe. Soulouche Oumastabe had cleverly used presents and profits from both French and English to build a party for himself within the nation, predominantly located in the Western Division towns, and this party had followed Soulouche Oumastabe in going over entirely to the English. By the same token, Alibamon Mingo had built a similar faction in the Eastern Division, and this faction remained loyal to the French. Both factions killed French and English men respectively to satisfy their European allies. Such proxy murders went on back and forth for many months until finally a Choctaw escort of one of the English trading convoys was killed by accident.

Now there was cause for the intratribal retaliation mechanism to come into play. As the Choctaw were now divided in their allegiances and pressured by their European allies. The reasons why this single death escalated rapidly into civil war are complex, but the main outlines are clear. In spite of the fact that the pro-British faction enjoyed numerical superiority, the English line of supply was too long and it was difficult to provide the war materials they needed. In the end, the proximity of the French to their allies told in their favor. More than 800 Choctaws were killed, and the six towns Division was savagely split apart, before the war ended in 1750 with a treaty that provided for a more regular settlement of murders between French and Choctaw.

There is no doubt, however, that the social structure of the Choctaw nation was seriously damaged by a civil war that not only pitted Division against Division but perhaps also moiety against moiety. There is a good reason to suspect that the Choctaw tribe itself was a confederacy of different ethnic groups like that of the Creeks. They could have bonded themselves into a powerful group by ruling that members of the one moiety must marry members of the other, and that the children would belong to the moiety of their mother. In



THE OLD CHOCTAW COUNTRY, MISSISSIPPI

Towns belonging to the Central, Eastern, Southern, and Western divisions of the nation, respectively. The dotted lines indicate the boundaries between the three latter divisions in the early part of the nineteenth century. This map from Swantons' CHOCTAW SOCIAL AND CEREMONIAL LIFE represents only a fraction of the land base of the Choctaw nation.

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this way the moieties would become distributed throughout the villages. This is what seems to have been the case with the Choctaw, since we know that Soulouche Oumastabe and his supporters of the West belonged to the opposite moiety to Alibamon Mingo and his Eastern allies. If this is true, then the unique culture that the Choctaw created out of the blending of two moundbuilding Mississippian cultures lost an important part of its cohesiveness in this civil war, and the Choctaw, who up until the war had notably resisted any serious adoption of European custom, were much more culturally vulnerable in its aftermath.

POSTSCRIPT: 1750-1763

The years following the Choctaw civil war were quiet ones for the tribe. During this period, also, French and British clashes shifted further east, as the French won many Creeks to their side in the years leading up to the French and Indian War and had even won over some Cherokees by the time that war got well underway. At its conclusion with the Treaty of Paris of 1763, the French handed over their lands east of the Mississippi River to the British, and just two decades later the British succumbed to the Americans, leaving the Choctaw to make more difficult cultural adjustments.

*French Spelling

†From the French moitie (half); anthropological term meaning half of a tribal group.

Chapter 3

Treaties and the Choctaw People

From the moment of their first contact with European explorers, American Indians encountered a puzzling array of laws and diplomatic maneuverings foreign to their normal way of dealing with each other. After the arrival of the Europeans, the Choctaw nation had to interact from time to time with Spaniards, Frenchmen, Englishmen, and eventually the Americans of the United States. One of the most confusing of the white man's ways was the use of written documents which were impressive to people who had not yet developed a written alphabet. These "talking papers" could preserve a man's words for years without mistake or omission. The Choctaw, on the other hand, had relied on tribal members to repeat legends as well as agreements with their neighbors. Although the Indians had accurate recall of events occuring around them, their memory could not match the written word over a span of time.

The Choctaw were especially in awe of written documents such as treaties which outlined the bounderies of their territory or specified obligations and agreements between them and the white men. Before meeting the Europeans the tribes probably made verbal promises when trading or negotiating with each other. Such understandings had to be reinforced or renegotiated in order to remain in force and this continual redefining also must have allowed minor changes to occur.

European settlers, however, believed that treaties were necessary in order to satisfy their cultural laws as well as their consciences. They also needed documents to back claims upon Indian land against other European countries. These treaties covered arrangements for trading as well as boundary agreements. The Europeans traded manufactured items such as iron tools, blankets and gunpowder for Indian furs and deerskins. While some treaties provided for land cessions to Europeans for forts and trading posts, others stated fixed boundary lines between white men and the tribes.

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During treaty talks the three Choctaw tribal divisions, the Upper Towns, Six Towns and Lower Towns, each were represented by a minko (leader). Although some treaties were signed by them all at times, they made treaties individually with the Europeans. The Europeans carefully sought out tribesmen within the divisions who were sympathetic to them. Since presents and trade goods often were distributed through these selected representatives, they soon became powerful and more influential within their group.

In the 18th and 19th centuries, treaties were usually negotiated following a change (in the nationally of the Europeans claiming Indian territory.) Although Spain had the earliest of these claims to Choctaw lands, later explorations gave the French control over the area. After France had been defeated by England in the French and Indian War in 1763, Spain received the Louisiana territory by treaty with France, and later in 1780, during the American Revolution, seized Florida from Great Britain. The United States obtained claim to

APUSHMATAHA, noted Choctaw leader, painted by C. B. King in Washington, D.C. 1824. Reprinted by permission National Anthropological Archives Smithsonian Institution.

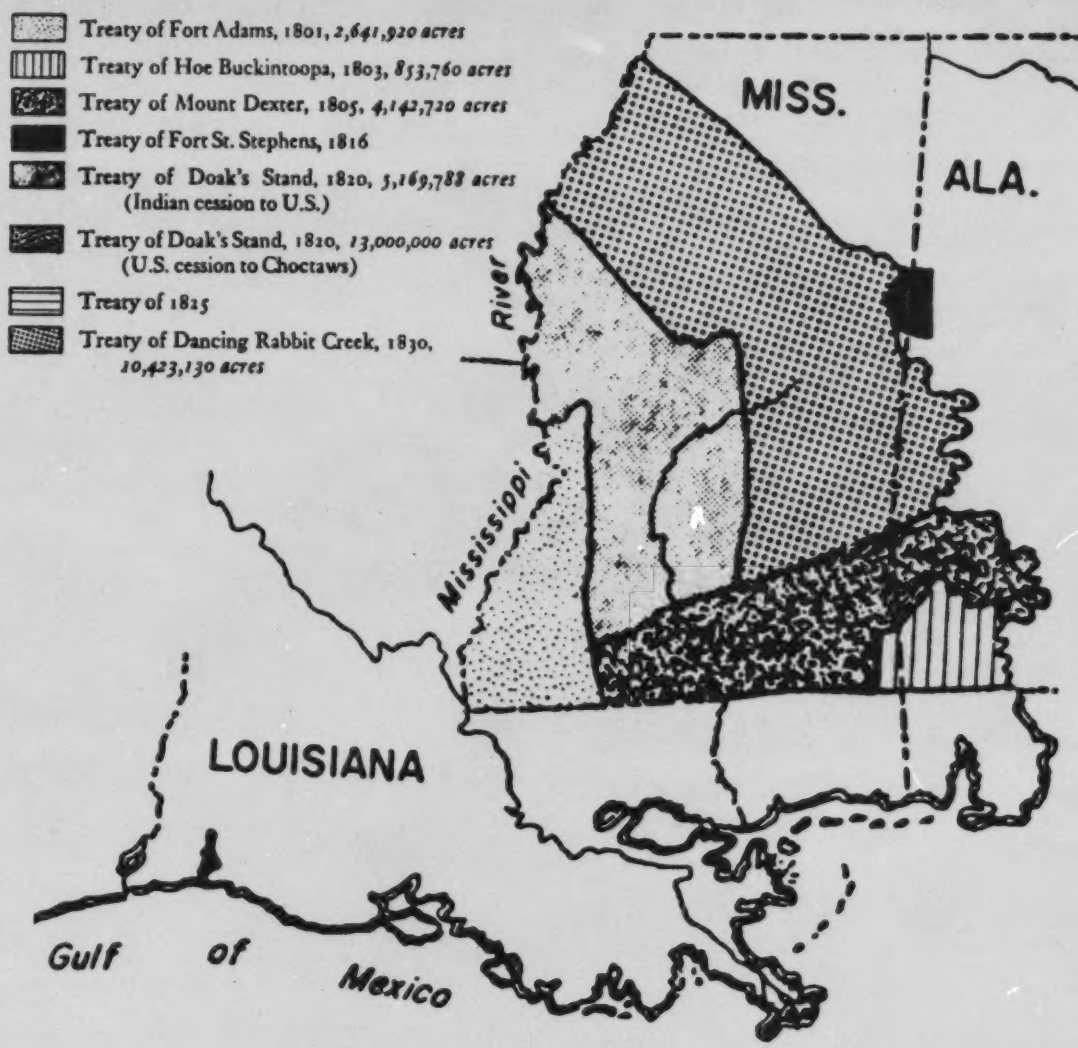
Choctaw lands in 1795 by treaty with Spain and almost immediately began separating the Choctaw from Spanish influence in Florida. Not until the war of 1812 did the United States occupy West Florida and isolate the Choctaw from Spanish influence.

The first treaties between the United States and the Choctaw nation mainly agreed to boundaries and cessions made earlier by the tribe to Europeans. The Treaty of Hopewell in 1786 set dividing lines between the Choctaw, Chickasaw, Creek and Cherokee tribes. The treaty also gave the United States the right to oversee tribal activities, especially if the Indians attempted to associate with the Spanish or English in the area.

When the Mississippi Territory was formed in 1798, it contained, within its bounds, the entire Choctaw nation, and white settlers were strictly prohibited by law from entering tribal lands without Choctaw permission. However, some settlers, called squatters or intruders, did violate this law and settled in Choctaw country. These white men were few in number and not nearly as important a factor in forcing land cessions as some historians have suggested. These mixed-bloods helped obtain later land cessions from the tribe for the United States.

In 1801 the Treaty of Fort Adams restated the limits of earlier Choctaw cessions to Spain and Great Britain and also gave tribal permission to the United States to construct a road later called the Natchez Trace. Treaties signed in 1802 at Fort Confederation and in 1803 at Hoe Buckintoopa, both on the Tombigbee River, were also limited in scope and allowed only a small cession of land.

Not until 1805 did the Choctaw minkoes agree to give a major slice of land to the United States, and then only to obtain money to pay a long standing debt to a British trading firm. The United States, under President Thomas Jefferson, wanted Choctaw lands along the Mississippi River as homesteads for settlers who would defend the area from foreign attack. The Choctaw would not give up that land and offered instead a wide strip from the Natchez District to the Tombigbee region. Jefferson refused for over two years to agree to such a cession and only changed his mind in 1808 when new problems with Spanish West Florida made the land the Choctaw offered more attractive to him as a defensive region.


Treaty of Fort Adams, 1801, 2,641,920 acres
Treaty of Hoe Buckintoopa, 1803, 853,760 acres
Treaty of Mount Dexter, 1805, 4,142,720 acres
Treaty of Fort St. Stephens, 1816
Treaty of Doak's Stand, 1820, 5,169,788 acres (Indian cession to U.S.)
Treaty of Doak's Stand, 1820, 13,000,000 acres (U.S. cession to Choctaws)
Treaty of 1825
Treaty of Dancing Rabbit Creek, 1830, 10,423,130 acres
MISS.
ALA.
Pearl River
Mississippi
LOUISIANA
Gulf of Mexico

Land Cessions

Reproduced by permission of the University of Tennessee Press from Arthur H De Rosier Jr *The Removal of the Choctaw Indians* @ 1970 by the University of Tennessee Press

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The Treaty of the Choctaw Trading House in 1816 was made in order to end conflicting claims by both the Choctaw and Creek tribes to an area east of the Tombigbee. General Andrew Jackson's decision to force a huge land cession from the recently defeated Creek factions in the Creek War required the Choctaw to give up claims to that section before he could open the territory to settlers.

After Mississippi entered the union as a state in 1817, however, the reason for seeking land cessions from the Choctaw changed completely. Mississippi officials argued that an independent Indian nation could not exist within the same boundaries as another sovereign state. Furthermore, the United States had earlier set a precedent in Georgia when promising removal of Indian nations from that state in order to obtain Georgia's agreement to the new constitution. The federal government allowed the boundaries of new states such as Mississippi and Alabama to include existing Indian country and set the stage for a major clash.

After 1817 most Mississippi officials worked to destroy the structure of the Choctaw nation while allowing some white-educated Indians and mixed-bloods to become state citizens. These officials pushed hard for removal or all "backward" and "savage" Choctaw to lands west of the Mississippi River, lands still wild enough to support those people desiring to pursue their ancient way of life. Some white men even envisioned an Indian Territory where Indian law and custom would be legal, a territory which might someday enter the union as an equal state of the United States.

With this goal of removal in mind, Andrew Jackson and others bargained with the Choctaw at the Treaty of Doak's Stand in 1820. The treaty gave the tribe a large tract of land in Arkansas in exchange for a slightly smaller area in central Mississippi. But, the Arkansas land had already been settled by white Americans and the treaty had to be renegotiated at Washington, D.C. in 1825.

The Choctaw debated intensely with federal officials in Washington before agreeing to accept land in Oklahoma and annual cash payments in place of the Arkansas lands. When the great Choctaw Chief Apushmataha was asked why he praised the virtues of the Arkansas land during these negotiations when earlier he had complained that the land was poor and had "bruised his feet," he replied that earlier he had been a buyer, now he was a seller. The shrewd chief along with other capable men of his delegation in Washington wrung a substantial settlement from the United States before they signed the new treaty. Apushmataha died during his visit to Washington and was buried there.

HENRY WILLIS, 102 years old in 1933. His life spanned the removal to the beginning of the New Era. Reprinted by permission Choctaw Agency BIA.

In 1825, while in the capitol city the Choctaw leaders first heard that President James Monroe's government had proposed a removal treaty. They responded eloquently with an address to Congress that pleaded for white understanding and brotherhood toward the Indians. But shortly after, the Mississippi state legislature passed laws nullifying Choctaw tribal government and outlawed all Choctaw officials not empowered by the state. Then in 1930 the United States Congress passed the Indian Removal Act which provided that Indian people should be moved west across the Mississippi.

In the face of continuing pressure from the federal and state government, during the 1820's and 1830's the Choctaw Nation developed a thriving government with a constitution, a police force, and a court system that serve all the citizens of the nation.

The full impact of these state and federal actions hit the Choctaw nation at Dancing Rabbit Creek in the fall of 1830. The Choctaw were presented a treaty giving individual tribesmen a choice of remaining in Mississippi as citizens on their own plots of land or of removing to Oklahoma to pursue their traditional way of life. Many who wanted to stay were cheated out of that chance by a corrupt Indian agent William Ward. Most of those who stayed in Mississippi suffered over a century of poverty and white bigotry. After removal, the Choctaw signed other treaties but none ever changed the life of the people so profoundly as did the one signed at the creek where the rabbits danced.

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CHOCTAW REMOVAL by Valjean Hessing. Most tribal members who went to Oklahoma traveled in the winter after the crops were harvested. The winters of the early 1830's were some of the worse on record. Many lives were lost on the removal. Reprinted by permission Philbrook Art Center, Tulsa, Oklahoma.

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SOME IMPORTANT CHOCTAW TREATIES

TREATY	YEAR	SIGNED WITH	WHERE SIGNED	
Charleston	1738	Great Britain	Charleston	Trade and Alliance
Mobile	1749	France	Mobile	Trade and Alliance
Grandpre	1750	France	Choctaw Nation	Ended Choctaw Civil War
Augusta	1763	Georgia	Augusta	Amity
Mobile	1765	Great Britain	Mobile	Land Cession, Boundaries defined
Mobile	1783	Spain	Mobile	Trade and Alliance
Charleston	1783	Great Britain	Charleston	Trade and Amity
Pensacola	1784	Spain	Pensacola	Trade and Alliance
Hopewell	1786	United States	South Carolina	Southeastern Tribal Boundaries defined
Fort Adams	1801	United States	Mississippi Territory	Redefined Choctaw cession to England and permission for Natchez Trace
Fort Confederation	1802	United States	Mississippi Territory	
Hoe Buckintoopa	1803	United States	Choctaw Nation	Small cession on Tombigbee River and redefine English treaty of 1765
Mount Dexter	1805	United States	Choctaw Nation	Large cession from Natchez District to the Tombigbee Alabama River watershed
Choctaw Trading House	1816	United States	Ft. Confederation	Ceded all Choctaw land east of Tombigbee River
Doak's Stand	1820	United States	Natchez Trace, Choctaw Nation	Exchanged large cession in Mississippi fo a slightly larger parcel in Arkansas
Washington	1825	United States	Washington, D.C.	Exchanged Arkansas land for Oklahoma parcel
Dancing Rabbit Creek	1830	United States	Choctaw Nation	Removal Treaty

Chapter 4 A New Era

THE DARK AGES

In 1830, the Choctaw people in Mississippi entered the period they call "the dark ages." In that year, they were forced to sign the Treaty of Dancing Rabbit Creek. With this treaty, their last remaining land was surrendered to the United States. Tribal government was abolished in a law passed by the new State of Mississippi. Officially, the Mississippi Choctaw Nation no longer existed.

Most of the tribe was removed to reservation land in the Indian Territory of Oklahoma. Oklahoma is a Choctaw phrase translated litterly as Red people. But, under the terms of the treaty, any Choctaw who wished to remain in Mississippi could do so. They would become citizens of the United States. Each head of a household was to receive 640 acres of land. Each child over the age of 10 would receive 320 acres of land and each child under the age of 10 would receive 160 acres. In fact, only a few Choctaw received any land at all. Because, in order to receive land, the Choctaw had to register with the federal Indian agent in Mississippi and the agent refused to register most Choctaw. Records and land titles were destroyed or disappeared mysteriously and the few who managed to register received little land at all. Others, who left their homes on a hunting or business trip, would come back to find a white man with a shotgun on their porch. They had no choice but to go away.

The Choctaw people were scattered over 31 counties. They became squatters and sharecroppers on the land of white owners. They lived in poverty. They lived quietly. Few people even knew they existed. They had lost everything except their culture, their language, and their pride.

In 1916, John Reeves, a Special Supervisor in the Indian Service visited the Mississippi Choctaw. He sent a report to the Secretary of the Interior in Washington.

> *In land owned by the Indians is of the most inferior quality. . . A few head of stock and one or two farming implements is about all any of these Indians own . . . The vast majority of them own nothing and are practically destitute, living in decrepit shacks and cabins that but indifferently afford protection against the elements. The ordinary comforts of life are absent and luxuries unknown. . . . Tuberculosis and unsanitary conditions generally has caused the death rate to exceed the birth rate so that at this time there are scarcely 1,000 real Indians in the state.*

Group of Choctaws circa 1908. Photograph courtesy of Museum of the American Indian, Heye Foundation

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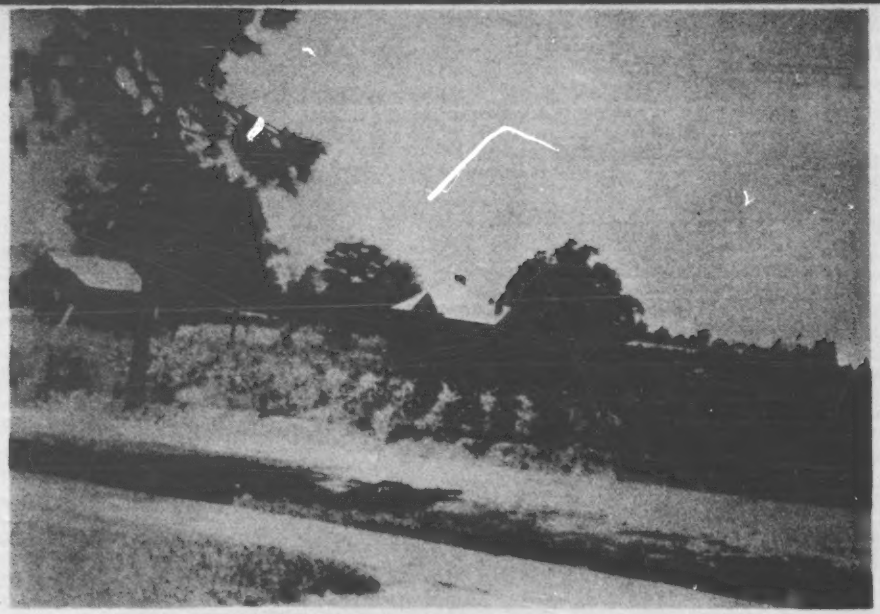

CHOCTAW SHARE CROPPERS picking cotton on land that was once their own. Reprinted by permission Choctaw Agency BIA.

THE SHARE CROPPING SYSTEM

In order to survive, the majority of Choctaws became share croppers or tenant farmers. The share cropping system developed across the south after the Civil War. Under the system, a land owner would allow a Choctaw family to live on a plot of his land in exchange for a share of the crop they produced on that land. In the springtime, the landlord would give the sharecropper seed, fertilizer, food, household necessities, farm equipment and, perhaps, a horse as an advance. At the end of the growing season, the landlord might take more than half the crop as his share for use of the land. But, the sharecropper was also expected to pay back what he had been given in advance by the landlord out of his own share of the crop. Often, the landlord would claim that he was owed more than his tenant's share of the crop. Again the Choctaw sharecropper, after a season of back breaking work, would end up with nothing. The typical share cropper became permanently in debt to his landlord. If they protested, or wanted to move, they were under threat of arrest by local police because of their debt to the landlord. This system continued for about 100 years. A report by the Choctaw Indian Agency in 1935 stated:

> *. . . at least 50% of the white landlords in what is known as the North Bend and Bogue Chitto Community practice an absolute practical slavery over the Indians who live with them.*

Bad times became worse. Severe weather and an infestation of the boll weevil seriously damaged the corn and cotton crop. An outbreak of influenza killed between 20%-50% of the remaining Choctaw people. According to John Reeves, there was immediate need "for relief in the form of clothing and subsistence to keep many of these Indians from great suffering, if not actual starvation." In 1917, a committee of the United States Congress conducted hearings in Union, Mississippi. They learned how much the Choctaw people had been suffering, and they became convinced that something needed to be done. The report of that committee was a major factor in the establishment of the Choctaw Agency in Philadelphia the following year. Under the control of the Bureau of Indian Affairs, the Choctaw Agency acted to provide the Choctaw people with economic assistance as well as aid in the areas of health and education. After 90 years of fraud, prejudice, economic deprivation, and many attempts to remove them to Oklahoma, the United States government finally realized that the Mississippi Choctaws still existed and that, in spite of all efforts, they would not leave the home of their ancestors.

COLONIZATION

In 1921, the Choctaw Agency began a plan of "colonization." The plan called for the purchase of small plots of land, 20-40 acres, in seven major areas. The plots of land would then be resold to full-blood Choctaws with loans. Finally, a school was to be built in each of the seven areas to serve as centers for primary education and community activity.

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FIRST AGENCY BUILDING circa 1933. Main administrative functions of the BIA are conducted in a modern facility one block from this site. Reprinted by permission Choctaw Agency BIA.

The purpose of the "consolidation" plan was, first, to concentrate the Choctaw people in population centers in order to support and continue tribal identity. Second, the plan aimed at freeing tribal members from the sharecropping system. The Agency hoped that through agriculture, the raising of fruit, vegetables and livestock, the Choctaws could become independent farmers. The Agency expected that farming would not only give Choctaw families enough food to eat, but also enough money to pay back the loans on their land.

The first phase of the plan was successful. Within ten years, almost 4,000 acres had been bought and resold to tribal members, and seven schools were operating in the areas which are today's Mississippi Choctaw communities. An Indian hospital was built in the city of Philadelphia and by 1930, the birth rate of Choctaws surpassed the death rate. The second phase of the program, however, was not successful. The plots of land that the Agency purchased were too small and too poor in quality to produce enough food to feed families. There was no hope that they could produce enough cash income to pay off their loans. Most of the loans were defaulted upon.

RESERVATION

In 1934, President Franklin Roosevelt signed into law the Indian Reorganization Act. This law would have many important consequences for the Mississippi Choctaws. One provision of the law stated that tribal land should not be parceled out in small plots to individuals, but rather, it should be held in common for the entire tribe in trust states by the federal government. As a result, all of the small plots that individual Choctaws had defaulted on, were placed under the trusteeship of the Choctaw Agency. The IRA also provided funds for the purchase of land. With this, the Choctaw agency purchased additional land until almost 18,000 acres were held in trust for the benefit of the Choctaw people. A proclamation by the Secretary of the Interior in 1944 declared that all the land held in trust for the Choctaw people was designated as the Choctaw Reservation.

LEADERS IN THE RECOGNITION OF THE MISSISSIPPI CHOCTAWS

Near the turn of the 20th century, Scott York returned to his ancestral homeland in Mississippi. He was among one of the large group of Choctaws who had been removed to Oklahoma nearly 50 years earlier. During his years in Oklahoma, he became a Presbyterian minister. He was one of only a few Choctaws who became successful enough in business to purchase land there. With money he made through the lease of that land and with money made from other business dealings, he was able to buy a 200-300 acres tract of land in Leake County near the present Standing Pine community. On that land, he began a self-sufficient Choctaw community. He helped other Choctaws in the vicinity to build homes and, together, they successfully raised cotton, corn, vegetables, timber and livestock. His son, John York married Neesey Phillips. They raised a large family. Two of their sons, Emmett York and Baxter York, would play a central role in the future recognition of the Mississippi Choctaws as a tribe.

Beginning in 1917-1918, a flu epidemic ravaged the Mississippi Choctaws. From 20% to 50% of them were killed by the disease. One of those who died was John York. His widow, Neesey Phillips York, was left to raise her large family.

During those years, the United States became involved in World War I. Young Choctaws were being pressured into joining the armed forces. A delegation of Choctaws, including Neesey York and Simpson Tubby, approached their state senator to present their grievances against the government. They explained that their people were being asked to sacrifice their lives for a country that had taken their land and had given them nothing in return. They wanted the state to provide medical services to help end the suffering caused by the flu epidemic, and they wanted schools so their children could receive an education like the children of other American citizens. They advised Senator Bobo that unless something was done, they would counsel their young men to resist military service. The senator replied that the Indians were the responsibility of the federal government and that there was nothing that the state of Mississippi could do. He did, however, offer to help the tribal delegation make contacts in Washington. As a result, the condition of the Mississippi Choctaws was investigated by the federal government, and an office of the Bureau of Indian Affairs was established in Philadelphia. Schools and a hospital for the Choctaws followed.

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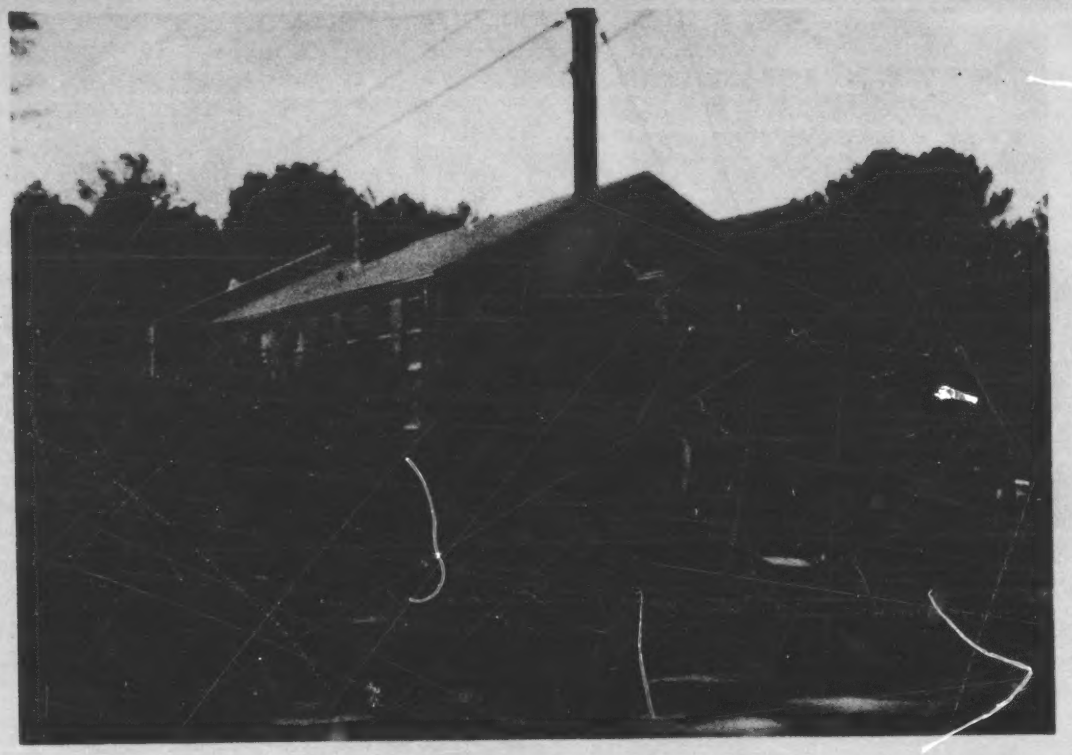

THE CHOCTAW AGENCY as it looks today, recently expanded and remodeled.

Neesey York's sons, Emmett and Baxter, received their early education in the first school for Choctaws in Leake County. Their mother insisted that her children get an education. Their teacher was an uncle, Bennett York. And after school, they played with a neighbor, a boy named Ross Barnett who would grow up to become governor of Mississippi. Their friendship continued into adulthood when it would become of benefit to the tribe.

In the early teens, the York boys were taken, along with many others their age, to the BIA operated Chilocco Indian School in Oklahoma. Watching their children leave was a painful experience for the Choctaw mothers. They gathered at the home of Neesey York for a "cry," the Choctaw ritual of mourning for the dead. But Neesey's grief was tempered by the hope that education would, in the future, be of value to both her children and the tribe. The boys returned often to visit their mother, hopping freight trains bound for Memphis or New Orleans. Once, they even had to swim the Mississippi River to get home. Neesey encouraged her sons to stay in school. She wanted them to learn as much as possible, especially how government operated and how the other Indian tribes in the country were organizing themselves.

At Chilocco, Emmett became a champion debator, winning many prizes in contests against other Indian schools. He learned the rules for argumentation and for the logical presentation of facts. His brother Baxter assisted him by researching documents and finding evidence to back up Emmett's, arguments. But, Baxter's real love was baseball. He set a record batting average at the school that lasted for 15 years. Prevented from entering the major leagues because of segregation, he joined an all-Indian team that played the Negro League circuit. His coach was the great Jim Thorpe. He was proud to be the only Indian player to consistently hit off Satchell Paige. After one winning game, Baxter was congratulated on his skill by Babe Ruth. He played baseball for seven years, returning home, along with his brother, when his mother

[illegible] Indian tribes, Emmett and Baxter became active in tribal politics. They began to work at gaining recognition for the Choctaws of Mississippi. They were joined by other Choctaws such as Joe Chitto and Wes Jackson. They realized that the only way to gain recognition was for the tribe to adopt a Constitution and By-laws. Other tribal members opposed their efforts. They distrusted white people and the government. They felt that signing the Constitution would put them under the control of the Bureau Superintendent. They formed a rival organization, the Mississippi Choctaw Indian Federation. They began to refer to Baxter as "Constitution and By-laws" in an attempt to ridicule him. Baxter let them laugh. He felt that someday they would appreciate what he was doing. The Federation's efforts failed. The tribe approved the Constitution. It was signed by Baxter York and Michael Bell. Emmett and Baxter became members of the first Tribal Council with Joe Chitto as Chairman. In the following year, Congress passed an act declaring the Mississippi Band of Choctaw Indians to be a tribe under the laws of the United States.

In the 1950's, Baxter became an employee of the BIA and was forced to resign his position with tribal government. Emmett, however, remained with Tribal Council for the rest of his life. He was elected Chairman of the Council for four terms between 1955 and 1969. He also became a leader at the national level as Chairman of the Intertribal Council of the United Southeastern Tribes. As a result of his hard work on behalf of the tribe and Indian people, he was presented with the Indian Leadership Award by the Bureau of Indian Affairs, the highest award it could give. The Award stated:

> "You have worked progressively, conscientiously and devotedly to improve the educational, social, economic and emotional well-being of your people."

Emmett and Baxter York will be remembered as men who saw the wrong that had been committed against their people and worked to correct those wrongs in the best way they could.

THE RE-EMERGENCE OF TRIBAL GOVERNMENT

The Indian Reorganization Act would also have an impact on the development of tribal government. The IRA recognized the right of Indian people to organize constitutional tribal governments and, as a result, the Choctaw Business committee was formed. It was the first form of tribal government that had been allowed since 1830. The committee was composed of 17 representatives from the seven communities. The Committee, however, was almost completely under the control of the Choctaw Agency Superintendent. The Committee met only on the call of the Superintendent and

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Emmett York talking to community meeting May 1970. Reprinted by permission Choctaw Agency BIA.

Joe Chitto and his wife Zula Chitto in Philadelphia. Reprinted by permission Choctaw Agency BIA.

Emmett York and Prentiss Morris at Community meeting. Reprinted by permission Choctaw Agency BIA.

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Baxter York at Choctaw Fair in 1969. Photograph by Les Leverett, courtesy of Choctaw Archives

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The great Jim Thorpe warming up for a baseball game in 1917.
Photograph courtesy of the Jim Thorpe Foundation.

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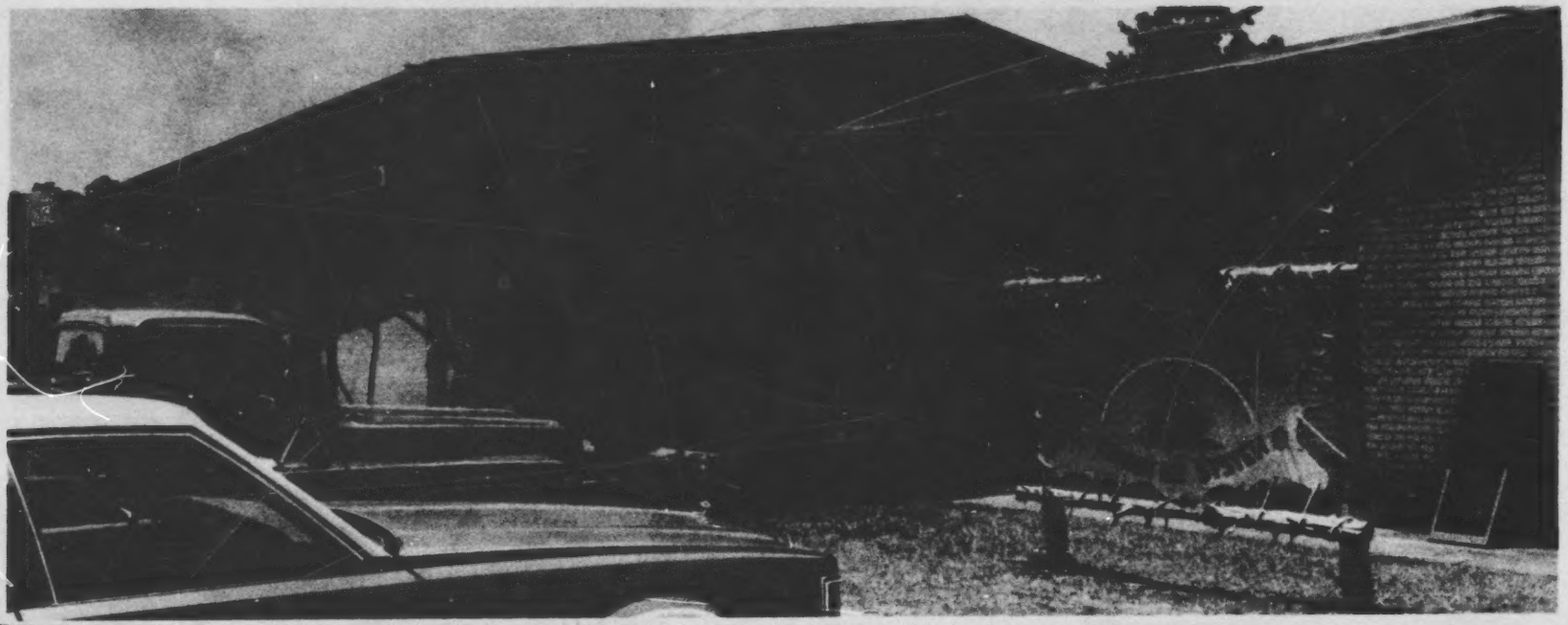

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was authorized to act only on the agenda prepared by the Superintendent. Meetings were held in the offices of the Choctaw Agency.

Not all tribal members were willing to accept an organization so completely dominated by the Agency Superintendent. Opposition leaders formed a rival organization, the Mississippi Choctaw Indian Federation. The Agency Superintendent acted to undermine this organization and some "trouble makers" were removed from the reservation. In 1935, the Agency reported,

> *For most of 1934 and part of 1935, the organization tried to make trouble and succeeded to some degree to a point where it became necessary to transfer said farmer to another jurisdiction because his ideas and policies as to what was best for the Choctaws, and the Superintendent's ideas and policies, had been in constant conflict.*

ROBERT BENN — SUPERINTENDENT OF THE CHOCTAW AGENCY, BUREAU OF INDIAN AFFAIRS

Robert Benn was born in 1934 and grew up in the Standing Pine community. At the age of nine, he joined his father working their family plot of land. He learned all too well what it meant to be "dirt poor." He remembers the hot, back-breaking work behind mule and plow, turning over the red, clay soil that would be planted with cotton, corn and vegetables. One hot day in June, his father told him, "If you don't get an education, this is what you will be doing for the rest of your life." With the strong encouragement of his family and his school teacher, Robert completed the primary grades at Standing Pine. Then, he went off to Clark College in Newton, Mississippi where he entered a high school program for Indian students. Upon graduation from high school, he entered Mississippi College and received a Bachelor of Arts degree with a major in English, Public Speaking and Communications. After completing this degree, he joined the Navy but, after six years of service, he decided to return to his homeland.

On the reservation, he became involved in tribal politics. It was a natural move for him. He had grown up in a politically involved family. As a child, he remembers lying in bed and listening to his father, a member of Tribal Council, talking for hours to other tribal members about school and community problems, often late into the night.

In the early 1960's, when Mr. Benn returned to the reservation, he became aware of the growing importance of tribal government. With a new atmosphere in Washington, Choctaws were stepping forward into leadership roles. Robert Benn became one of those leaders. In 1965, he was elected Chairman of the Tribal Council, but resigned in order to take a position as Housing Development Officer with the Bureau of Indian Affairs. When the Office of Superintendent of the Choctaw Agency became vacant, tribal leaders decided to fight for his appointment as Superintendent. In 1973, he was named as Superintendent of the Choctaw Agency. He became the first Choctaw ever to hold that position.

His appointment was controversial. Many government officials felt that his membership in the tribe would present a conflict of interests. Tribal leaders disagreed. They felt that because he was Choctaw, he would be able to make better decisions since those decisions would directly effect members of his own family and Tribe. The Tribal Council felt he would be more sensitive to the needs of the community than would an outsider.

As Superintendent of the Choctaw Agency, Mr. Benn has made an effort to end the paternalistic attitudes, behavior and policies of previous BIA personnel. Although he sees the continued need for the Bureau to exercise its role as trustee, he believes that the growth of tribal government has made it unnecessary for the Bureau to get involved in the day-to-day operation of government. Under the administration of Robert Benn, the Relationship of the Bureau to the tribe has become more cooperative.

Robert Benn, Superintendent of Choctaw Agency

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Mr. Benn working out a problem with Ray Thomas, Administrative officer for the Choctaw Agency.

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MEMBERS OF THE CHOCTAW COUNCIL inspecting a treaty between the U.S. and the Choctaw Nation. L to R: Emmett York, Will Jimmie, Exeter York (standing), Joe Chitto, Chairman, and Tom Weir, Lawyer. Reprinted by permission Ken York.

The Agency Superintendent prevailed. The Federation disbanded and in 1935, the business committee voted to accept the provisions of the Indian Reorganization Act. The Committee elected a Chairman but he was appointed to the Committee by the Superintendent.

For the most part, action by the Business Committee on its agenda was a formality. For example, during one of its first meetings, the Committee was authorized by the Superintendent to discuss such issues as the granting of tribal leases, the selection of delegates to represent the tribe in Washington and the employment of an attorney. The Agency report of that meeting states that, at that time, there was no one seeking a lease on tribal land, there was no need for any delegates to travel to Washington and there was no need for a tribal lawyer. The work of the Committee, therefore, was merely an exercise in representative government. They had no power to deal with issues that were really important to tribal members.

In 1944, when the Secretary of the Interior declared tribal land in Mississippi to be a reservation, he also authorized an election for the adoption of a Constitution. Approval of the Constitution by the Mississippi

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Choctaws led to the creation of a 16 member Tribal Council composed of elected representatives from the seven communities. From its membership, the Council elected a Chairman. But again, the Tribal Council had no real power and little influence over tribal affairs. Its meetings were conducted at the Choctaw Agency. Its decisions could be vetoed by the Agency Superintendent. This situation continued into the early 1960's.

Adoption of the Constitution and the creation of the Tribal Council did have one extremely important immediate result. It was followed by an act of Congress that officially recognized the Mississippi Band of Choctaw Indians to be a tribe under the laws of the United States. It was the first formal recognition of Choctaw tribal government in Mississippi since 1830 when it had been removed to Oklahoma.

PATERNALISM AND ASSIMILATION

In 1831, Chief Justice of the Supreme Court John Marshall wrote, in his opinion in Cherokee Nation vs. Georgia, that the relationship of Indians to the United States was that of "a ward to his guardian." As one of the pieces of evidence, the cited Indians referring to the President as their "great father." This kind of reasoning became the dominant attitude of the majority culture toward Indians once they were no longer battlefield opponents. Indians were seen as "children" who were incapable of knowing what was best for themselves and incapable of managing their own affairs. Therefore, government officials and others who saw themselves as "white fathers" would have to make all the decisions in the best interests of the Indians. It was an attitude of "paternalism." What was believed to be in the best interests of Indians was that they should fit themselves completely into white society. This is part of the "melting pot" theory—that this country is composed of different peoples from different countries having different cultures. In order for them to become Americans, they would have to lose their differences. In this way, they would become assimilated. For Indians, the call for assimilation meant the loss of tribal and ethnic identity.

For the Mississippi Choctaws, the call for assimilation came from those who saw themselves as friends. After taking Choctaw land and forcing them to become outcasts and virtual slaves in their former homeland, some Americans felt a sense of guilt. They felt they had a responsibility to provide assistance. But their aim was not to restore tribal authority and identity. It was to make Choctaws just like everyone else. In 1922, Congressman William W. Venable of Mississippi stated that aid to the Choctaws in his state was "due as a moral obligation to help primitive people conform to white man's civilization."

The government sponsored "colonization" plan was meant to achieve this objective. As independent farmers, Mississippi Choctaws would become like other Americans. By providing economic aid, education and health services, the plan did ease some of the suffering. But the "colonization" plan did not fail because the Choctaws could not manage their own affairs. It failed because government officials did not understand the difficulty of farming the small, poor, red-clay plots of land they had purchased for the Choctaws.

In the 1930's, with the passage of the Indian Reorganization Act, government methods were modified, but the goal of guiding Choctaws toward assimilation continued. Attitudes of paternalism remained. Government officials recognized that the "colonization" plan of the preceding decade had failed to end the sharecropping system. No viable economic system had been found to replace it. Their solution for the Choctaws was to substitute dependency on government for dependency on the landlords. In a report by the Choctaw Agency in 1936, it was recommended that "government should take over the social and economic role of the landlord and merchant class" in order to end the sharecropping system.

Government action did lead to some improvements. There were increased levels of economic aid. The educational system was strengthened, and health care was improved. Additional land was purchased. A limited form of tribal government was encouraged. In 1936, Agency report recommended that a representative Choctaw government from the seven communities be formed. Tribal government would serve as "clearing houses for grievances . . . they could function both as advisory bodies to the agency for the drawing up of programs and as executive bodies to carry them out." However, the report cautioned that "the position of ultimate authority should be vested in the Superintendent because "Choctaws are too illiterate, disorganized, and culturally disintegrated and too unfamiliar with the role of leadership in competitive society" to be able to manage their own affairs.

But, government directed efforts to manage Choctaw affairs showed some weaknesses. Ignoring the failures during the "colonization" period, the 1936 Agency report claimed that the raising of subsistence crops such as corn, fruits, vegetables, hogs and fowls would remove the Choctaws from the "corn-cotton complex" and lead to economic self-sufficiency. The report also recommended that Choctaw education should be "of the practical and industrial type." "Academic education is to be avoided as it will cause conflict with whites" who would be hostile to Indians who would no longer "know their place". Finally, the report stated that Choctaws should be eased toward assimilation. "The process of Americanization should be confined to certain essentials of social organization, religion, economic life and material culture technics . . . but in non-essential matters it seems unnecessary and unimportant to Americanize the Choctaw." The report stated that there was no sense in changing hair styles or clothing. "The process of Choctaw identification with white society should be left to assume its natural pace."

In the 1950's, the federal government became impatient with its policy of gradual assimilation. Concerned with the cost of government services, Congress moved to "terminate" its relationship with Indian tribes as quickly as possible, by selling tribal lands in some areas. In other areas, a program to "relocate" Indians in the big cities was begun. The goal was to speed assimilation by breaking down tribal and cultural bonds that were seen as hindering economic progress and preventing Indians from becoming just like all other citizens.

In Mississippi, the Choctaw Agency moved to implement the policy of relocation. Choctaws were encouraged to leave the reservation and relocate in the major urban areas. The Agency hoped that, in time, it could end its work among the Choctaws and turn over its facilities to the state of Mississippi. For almost a decade, Choctaws were moved to the cities. They left with hopes for a better life. For the most part, they met with disappointment. In the cities, they faced many of the same problems they had experienced on the reservation—poor housing, limited employment opportunities, and discrimination. These problems were compounded by the loss of family and friends as well as government services that they had normally received on the reservation. There were no special programs to help them adjust to city life. The move to the city was often a move from rural poverty to urban poverty. Many found themselves rootless and disoriented in white society. Many returned home to Mississippi. Some

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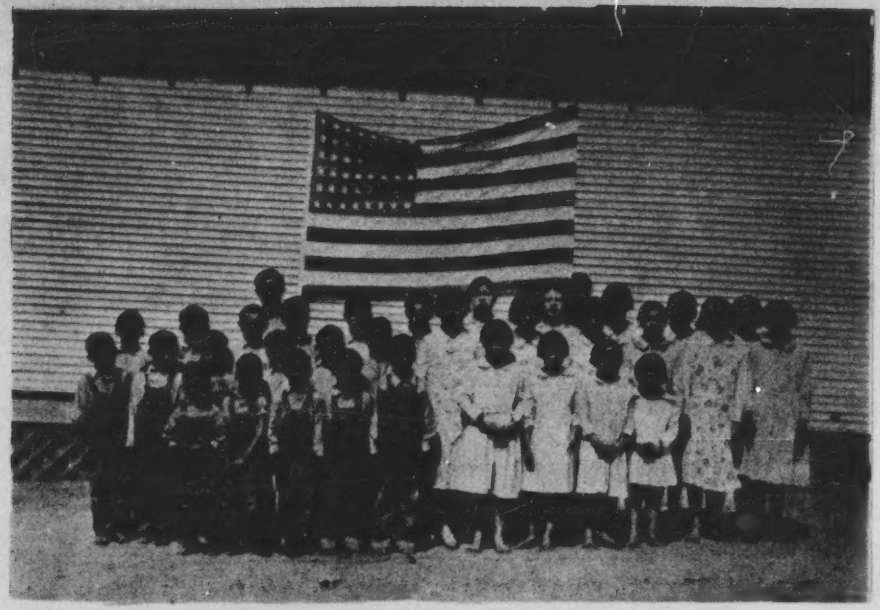

RED WATER SCHOOL CHILDREN circa 1933. Reprinted by permission Choctaw Agency BIA.

Choctaws did adapt well to city life, and today Chicago, Dallas, and Los Angeles among other cities, have tribal members living there. Like so many other programs imposed by the federal government, the relocation program was unsuccessful. It was all but abandoned in the 1960's when Indians, demands for self-determination began to receive a receptive ear in Washington.

SELF-DETERMINATION

In 1960, at the American Indian Chicago Conference, tribal leaders from across the country expressed their determination to resist government policies aimed at breaking up tribal groups. They declared that Indians had the right to maintain an independent social, cultural, and political existence within the American system.

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PHILLIP MARTIN—TRIBAL LEADER (1957 to Present)

Born in 1926, Phillip Martin completed his primary education at Tucker community school, then attended boarding school in Cherokee, North Carolina where he remained for six years. Upon graduation from Cherokee High school, he joined the Air Force, serving in Europe and the Far East. After ten years in the military, he decided to leave the service, and returned to the reservation in Mississippi. He thought it would only be for a short visit; his plans were to move to Chicago or California. But, several factors made him change his mind, perhaps most important was his marriage to Bonnie Kate Bell. In 1955, he decided to re-establish his roots in the Choctaw community.

That year, he enrolled in Meridian Junior College. He found a job at the Naval Air Station in Meridian. He observed the operation of the Tribal Council for two years before deciding to run for election as the representative from the Tucker community. First elected to Tribal Council in 1957, Phillip Martin's involvement in tribal government has never ended. He has served as a member of the Council for 18 years. He was Chairman of the Tribal Council for 12 years. In 1979, he was elected Tribal Chief.

Phillip Martin's career parallels the growth of tribal government. He was a leader during the anti-poverty programs of the 1960's, serving as Executive Director of the Choctaw Community Action Agency and as Chairman of the Choctaw Housing Authority. During the 1970's he began to focus his efforts on economic development. He was a major force in establishing the Chata Development Company, serving as President of the Board of Directors from 1968-76. In 1975, he became President of National Indian Management Service, Inc. Through this private management consulting firm, Mr. Martin put together the financial package that brought Packard Electric, Division of General Motors to the reservation to do business with the Chahta Enterprise. He was also a primary force in establishing the Choctaw Greetings Enterprise.

During the years that he has been directly or indirectly involved in tribal government, Mr. Martin has seen its growth in stature and responsibility. He has seen the efforts of tribal government pay off in concrete results for the Choctaw people. He remembers that when he began that first term back in 1957, there was no tribal office building and no funds to run government. He remembers the inadequacy of the education and health services on the reservation. In 1963, the Tribal

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Phillip Martin, Tribal Chief Mississippi Band of Choctaw Indians.

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Council [illegible] as [illegible] executive office, supporting Chairman Martin as Business Manager. He had a desk in the corner of the Choctaw Agency, and no budget. He has seen tribal government grow from a budget of zero dollars, to a multi-million dollar operation with a professional staff and a sophisticated system of financial, personnel and property controls.

Today, he sees his primary role in government as being an advocate for the tribe, making the needs of his constituents known nationally. He has seen the effectiveness of speaking directly to government leaders in Washington, of testifying before Congress, and of dealing directly with the business and financial communities. He believes that the positive benefits that the tribe has realized in recent years have been the results of tribal government acting as an advocate for the Choctaw people.

Phillip Martin's work as an advocate for the Mississippi Band of Choctaw Indians has taken him all over the country. He acted as a leader in the establishment of the United Southeastern Tribes, an organization created to facilitate inter-tribal cooperation. Since August 1981, he has served as President of the National Tribal Chairmen's Association.

Chief Martin at work with administrative staff.

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Chief Martin consults with Tribal Council members on an important issue.

His primary concern is in developing a viable economic base on the reservation so that the tribe can become less dependent on the federal government. But, Mr. Martin does not believe that the reservation can be an island unto itself. He feels that the tribe must build strong ties and positive relationships with outside communities. Especially in economic development activities, he thinks the tribe must deal effectively with local, state, and federal government as well as leaders in the business and financial communities. Mr. Martin's experience tells him that, in America, money means power. When the tribe had nothing, Choctaws were looked down upon. Now that they have gained some financial strength, they have gained the respect of people locally and nationally.

Although the tribe has made great strides in economic development, Mr. Martin feels it will be a long time before the goal of self-sufficiency can be achieved. He feels that the special relationship between the tribe and the federal government should continue. He believes that enlightened policies on the national level can allow Indian people to lift themselves to a better life.

Chief Martin strongly believes that tribal government is the key to the ability of Indian people to maintain an independent social, cultural, and political existence within the American system. "If tribal government is forceful, and if the community stands behind its government, then a great deal can be accomplished. It is the role of tribal government and its leaders to articulate policies and set priorities and goals. But, in order for those goals to be realized, tribal government must have stability. The Tribal Council must have the support and respect of the people and the Council members must support one another so that the tribe can speak to the outside world with one voice."

Chief Martin thinks that through tribal government, the Choctaw people have achieved a great deal. From a position of invisibility and powerlessness, they have become nationally recognized. They have become an example to other tribes of what a strong tribal government, with the support of its people, can accomplish. Certainly, the progress of the Choctaw tribe during this period of tribal governmental involvement has been unprecedented.

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With the continent gone, except for the few poor parcels they still retain, the basis of life is precariously held, but they mean to hold the scraps and parcels as earnestly as any small nation or ethnic group was ever determined to hold to identity and survival.

And in Washington, beginning with the Kennedy Administration, a new attitude toward Indian people and Indian culture began to emerge. It would lead to a series of programs that would aim to improve the quality of reservation life through strong tribal government. The best features of the Indian Reorganization Act of the 1930's would be emphasized in education, vocational training, housing and economic development. The new feature of these programs was Indian involvement in the process of policy making. Realizing that programs forced on Indian tribes would only repeat the failures of the past, government leaders acknowledged for the first time the right of tribal people to decide for themselves what should be done and how it should be done. Self-determination for Indian people began to emerge as the policy of the federal government.

This policy was strengthened under President Lyndon Johnson who stated, "We must affirm the right of the first Americans to remain Indians while exercising their rights as Americans. We must affirm their rights to freedom of choice and self-determination." Johnson's "Great Society" released funds for programs in social services, health, and education that were targeted to the general population and not specifically toward Indians. As a result, they were under the control of agencies other than the Department of the Interior. This resulted in a relaxation of the government's managerial function, especially with regard to financial affairs.

In 1964, during the Capital Conference on Indian Poverty, it was announced that anti-poverty funds channeled through the Office of Economic Opportunity would be available to tribes. Indian tribes could suggest programs to the OEO and once funds had been approved, the tribes could run the programs themselves. It was the first time that Indians had been given the full responsibility for the management of funds on reservations without the supervision of the Indian agents. It was hoped that the programs would be successful because the programs would be the ones the Indians wanted and planned according to their needs as they saw them.

In 1966, Robert L. Bennett, an Oneida Indian from Wisconsin was appointed Commissioner of the Bureau of Indian Affairs. Commissioner Bennett stated that the Bureau should no longer be "the sole source of funds and technical resources for Indian assistance. Its function should be shifting from one of exclusive responsibility for Indians to the role of 'finder' and 'coordinator' of other sources of aid." The role of the Bureau began to change from one of paternalistically imposing programs and policies on Indians, to encouraging self-determination and strong tribal governments.

Mattie Willis, Representative from Red Water and Chair of the Community Development Committee

President Richard Nixon continued the federal government's new commitment to Indian self- determination. In 1970, he stated,

It is long past time that the Indian policies of the Federal government began to recognize and build upon the capacities and insights of the Indian people. Both as a matter of justice and as a matter of enlightened social policy, we must begin to act on the basis of what the Indians have long been telling us. The time has come to break decisively with the past and to create the conditions for a new era in which the Indian future is determined by Indian acts and Indian decisions.

In 1978, Congress moved to support the principles of free choice with the passage of the Indian Self-Determination and Education Assistance Act. This legislation provided a formula for the transfer of power from the bureaucracy to the Indian people themselves. It allowed tribal governments to contract for the delivery of services. Federal funds could now be given directly to tribal governments and they would have the responsibility for spending those funds. Tribal governments could now make decisions on which programs they

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wanted and how these programs would be managed. Tribal governments began to move toward the goal of self-sufficiency so that they might take part in the American dream in their own way.

TRIBAL GOVERNMENT-ADVOCACY AND INITIATIVE

In 1959, a delegation from the Mississippi Band of Choctaw Indians traveled to Washington on the first official visit of tribal government leaders to the nation's capital in almost 130 years. They established contact with Congressional leaders and government officials. They informed these officials of the unmet needs of the Choctaw people. They explained the lack of adequate educational opportunities on the reservation beyond the primary years. They informed them of the segregated school system in the state of Mississippi that would not accept Choctaws. To complete high school, Choctaw students had to be sent away to boarding schools in Oklahoma, Kansas, or North Carolina. As a result, few Choctaws were completing high school. Tribal leaders pointed out that Indians were the only American citizens forced to travel such long distances for basic educational services.

The delegation returned to Washington many times. They knew that those who were supposed to represent their interests, especially within the Bureau of Indian Affairs, had no plans to establish a high school on the reservation. They felt that the only way to improve the situation was for tribal government leaders to take the initiative and become advocates for the tribe. They met with Congressional leaders and testified before committees of Congress for several years. Finally, funds were appropriated for the construction of Choctaw Central High School. Construction was completed in 1963.

Tribal government became directly involved in planning for the new school and when it became fully operational, it offered a full range of academic programs, electives, and a wide array of extracurricular activities.

The success of this effort indicated that their tribal government was the most effective advocate for the Choctaws. It demonstrated that tribal government initiative could achieve positive results.

Conehatta School choir getting ready for a performance. Reprinted by permission Choctaw Agency BIA.

CHOCTAW CENTRAL SCHOOL houses preschool through twelfth grades.

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Calvin J. Isaac, Principal Choctaw Central High School

Mr. Isaac getting some morning problems straightened out.

CALVIN J. ISAAC — PRINCIPAL CHOCTAW CENTRAL H.S., TRIBAL CHIEF 1975-79

In 1975, Calvin J. Isaac became Chief of the Mississippi Band of Choctaw Indians. He became the first head of the tribe elected by popular vote in 140 years. Like his father, who was a member of the Business Committee in the 1930's, Mr. Isaac sees himself as a political independent, speaking out on issues about which he feels strongly.

Calvin J. Isaac was born in 1933 in the Pearl River community. He completed the primary grades there and then went to Meridian High School. He received a bachelor's degree from Delta State University and a master's degree from Mississippi State University. He did additional graduate work at the University of Tulsa, Northern Arizona University, George Washington University as well as work toward a doctorate at Mississippi State University.

Mr. Isaac became a teacher at the Pearl River schools at a time when non-Indians were in control of the system at all levels — as teachers, administrators and at the Bureau of Indian Affairs. After several years as a teacher, he tried to become a supervisor but saw every position he applied for going to non-Indians even though the Bureau had an Indian preference policy in hiring. Feeling he had reached a dead end, he moved to Oklahoma where he gained administrative experience. When he returned to Mississippi, he worked in the Pearl River schools again and was then appointed as Service Unit Director for the Choctaw Health Center.

He became involved in tribal politics because he felt that the system that prevented Indians from advancing their careers on the reservation needed to be changed. He felt that those changes could only be accomplished through politics. He has seen that as a result of political activities, Choctaws have assumed positions of responsibility in their own communities. He believes that many more Indians will be needed to take positions of leadership in the future. Since leaving political office, he has concentrated on improving the educational system on the reservation. In July of 1982, he was named principal of Choctaw Central High School.

Mr. Isaac believes that education is the key to any real improvement in the lives of the Choctaw people. He thinks that students should get a solid high school education, then go on with college or vocational training.

Mr. Isaac feels that the social programs of the 1960's and 1970's gave the people a false sense of security. He remembers the "Great Society" days when the tribe fought hard to obain programs and received a great deal of money. Many jobs were created on the reservation. Those with high school diplomas could almost choose any job they wanted. Others, enrolled in college, dropped out to take the jobs that were then available. And those with college diplomas were immediately placed in administrative positions, often without experience at lower levels of employment. Now that funds are being cut, Mr. Isaac sees serious problems ahead.

Calvin J. Isaac plans to remain in the school system for the rest of his career. He is working hard to prepare Choctaw

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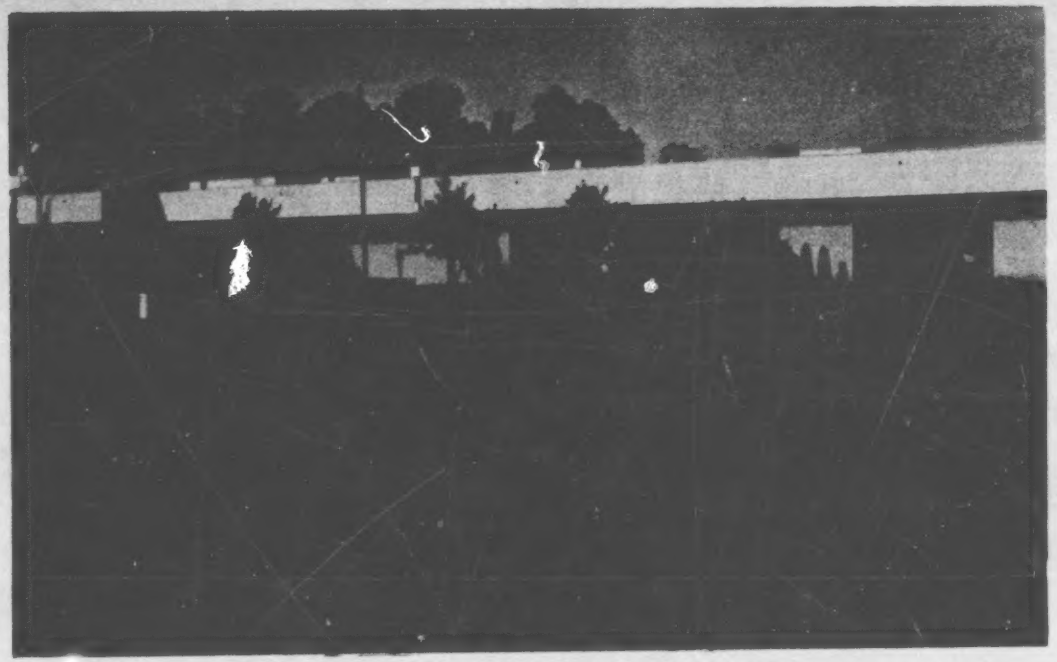
Another major initiative of tribal government was directed toward the improvement of health conditions on the reservation. Poor housing and sanitation were causing infectious and communicable diseases such as pneumonia and influenza to reach epidemic proportions. Death from these diseases among Choctaws was twice the national average. Infant deaths were more than seven times the national average.

In 1926, an Indian hospital had been established in the city of Philadelphia. When it was built, the Choctaw population was about 1,300. By the 1960's, the population had almost tripled. It was clear to the Choctaw community that this facility was inadequate to meet the health needs of the people. The community felt that since local hospitals often refused to treat Choctaw patients and the existing hospital had been condemned by the State in the 1940's, a new, comprehensive health care facilty was needed on the reservation.

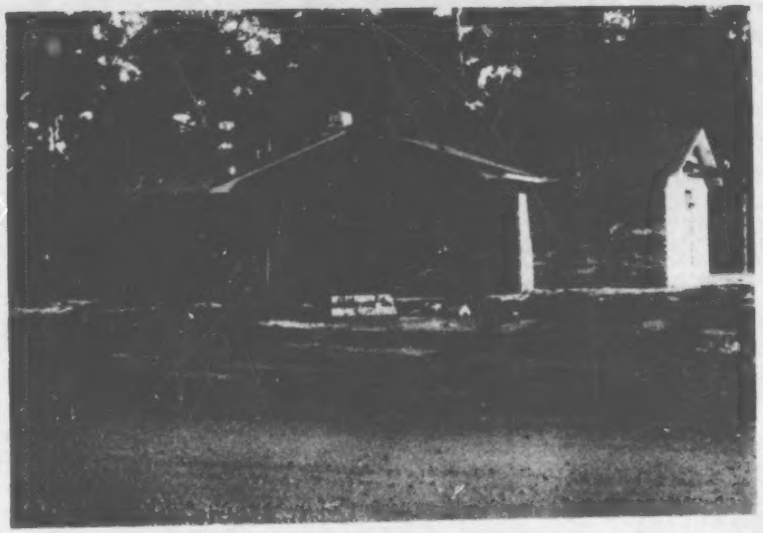
Meeting the health needs of the Choctaw people became a top priority of Tribal Council. Tribal government adopted resolutions requesting the allocation of funds for the construction of a hospital. Tribal leaders went to Washington to talk to federal and state officials. They testified before committees of the Congress. After several years of direct advocacy by tribal government, Congress appropriated funds for the construction of the Choctaw Health Center. Completed in 1975, the Health Center has been recognized as one of the finest health care facilities in the state.

But, government leaders realized that meeting the health needs of the tribe would not be achieved only by building a new health center. Attention needed to be directed toward improving the conditions of poverty that were the main cause of health problems. A 1965 report by HEW stated, "The Choctaws in Mississippi are one of the most destitute tribes in the nation today . . .The health status of this group is largely related to its low income and inadequate housing."

In 1965, Tribal Council adopted a resolution approving an application to the Office of Economic Opportunity for a planning grant of $15,000. The Council used that grant to initiate plans for a series of



The CHOCTAW MEDICAL CENTER where tribal and Indian Health Service programs work together to provide services.



Home near completion constructed by Chahta Development Company.

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major improvements. Approval of the plan by the Federal Government led to an $8 million program of development on the Choctaw reservation. Homes, community centers, educational facilities, recreational areas, and access roads were built. There were improvements in water and sanitation. The program boosted the reservation economy by providing jobs for almost 500 Choctaws, as well as on-the-job training opportunities for many more.

The success of these tribal initiatives marked a turning point in the struggle for self-determination. Through tribal government, the community had been able to express its needs, determine its priorities, and establish its own programs.

Many Choctaws now work as service providers in the Medical Center.

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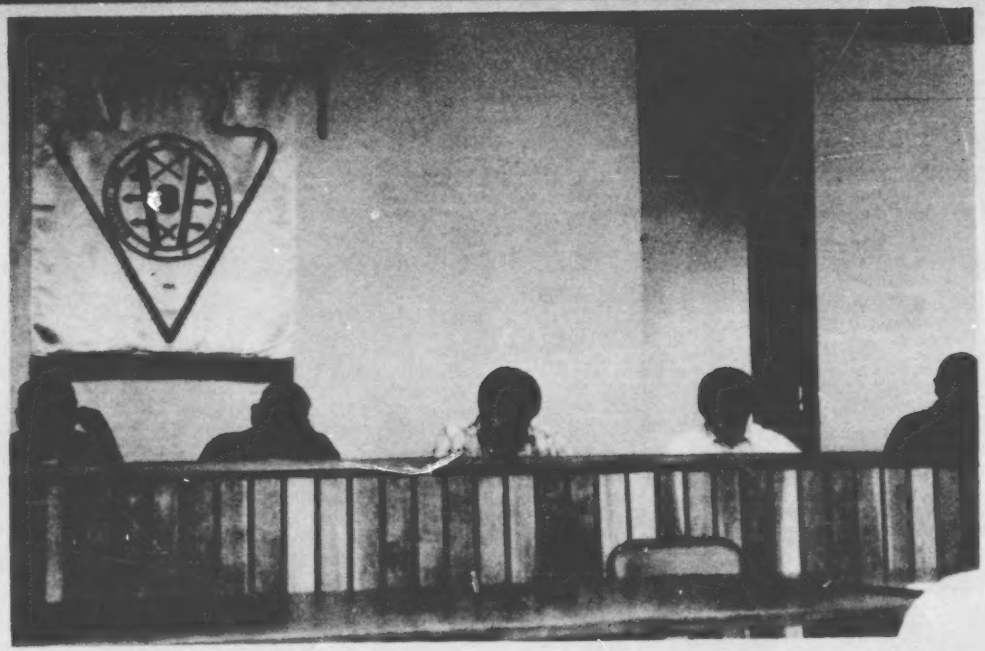
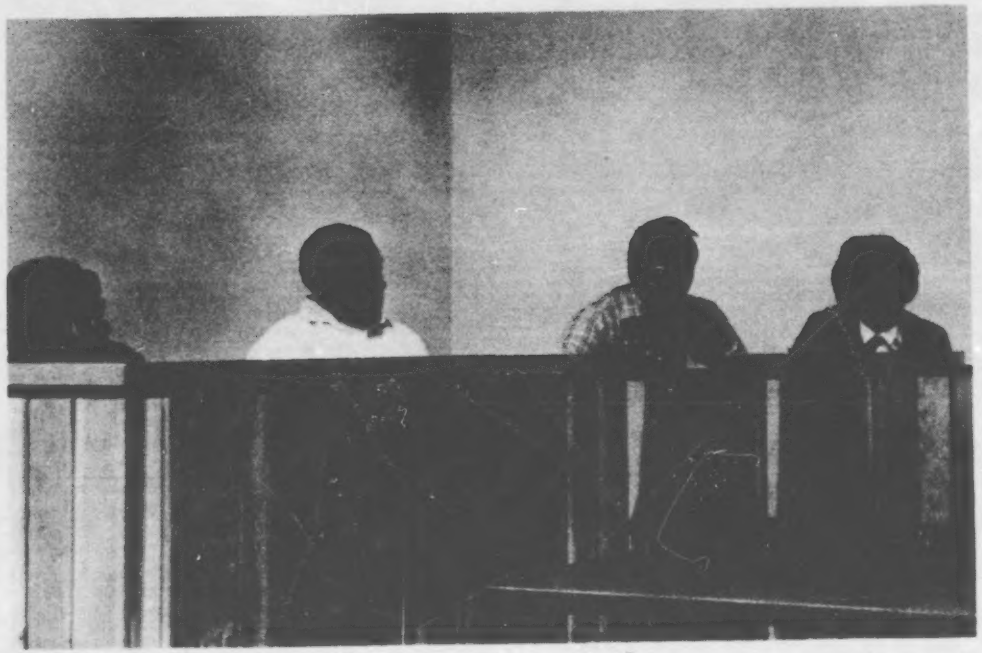


TRIBAL COUNCIL IN SESSION

TRIBAL GOVERNMENT REORGANIZATION

The growing complexity of tribal government as it began to initiate and operate multi-million dollar programs, as well the improved status of government under the Indian Self-Determination Act, revealed several weaknesses in the 1945 structure of government. As a result, a revised Constitution and Bylaws was proposed by Council, ratified by majority vote of the tribe and put into effect in 1975.

The new Constitution more clearly separates the government into executive and legislative branches. The office of Chairman of the Tribal Council was changed to that of Tribal Chief. The Chairman had been appointed by Council every two years. The Chief is now elected by majority vote of tribal members to a four year term. The new structure establishes the Chief as the principal executive officer of the tribe and as head of the executive branch of tribal government. Under the Constitution, the Chief has the power to negotiate contracts, to administer the operation of tribal government, to prepare budgets and financial reports, and to preside over the meetings of Council. Actions by the Chief,



TRIBAL COUNCIL IN SESSION

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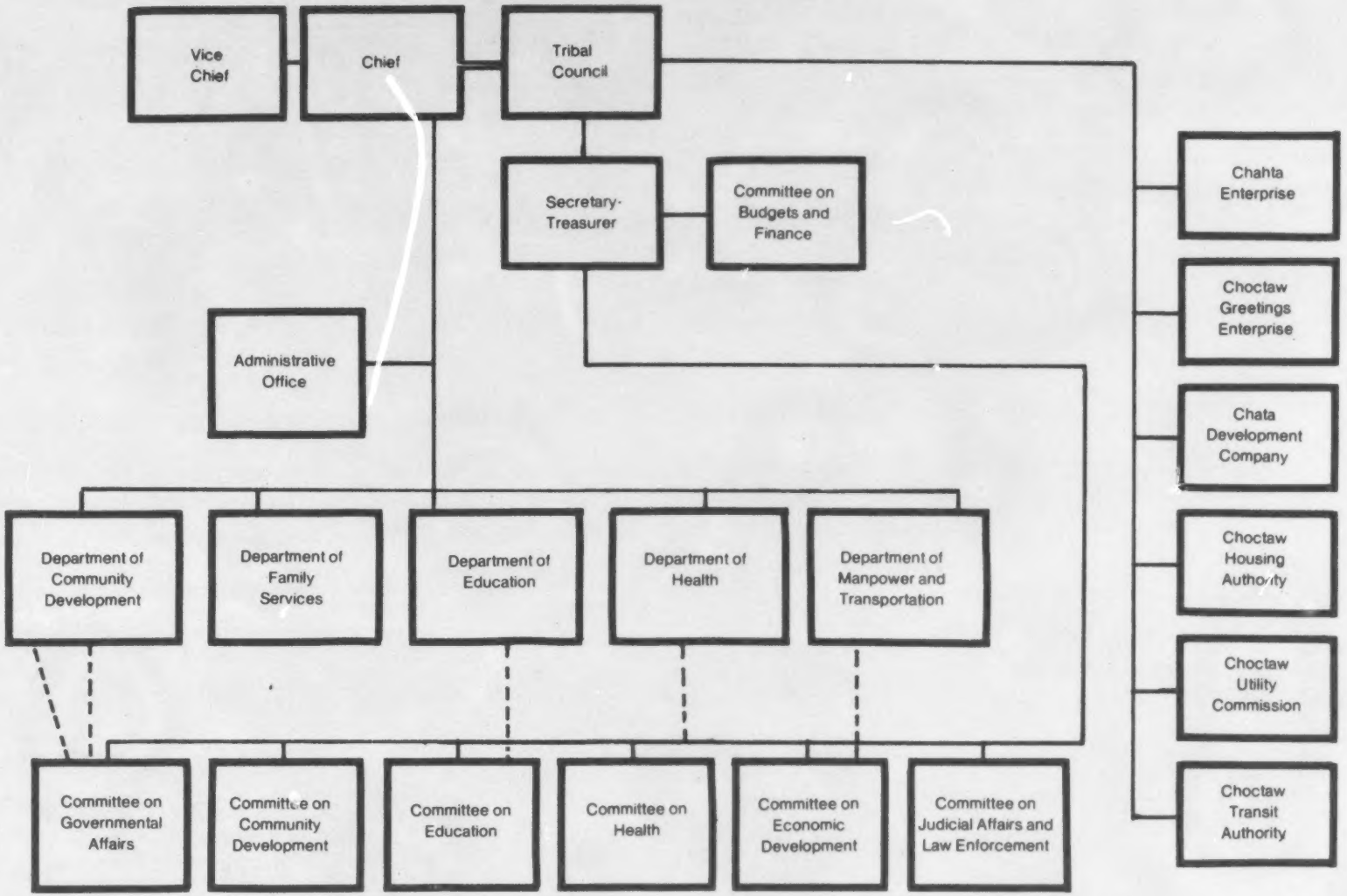
MISSISSIPPI BAND OF CHOCTAW INDIANS
OVERALL ORGANIZATIONAL STRUCTURE



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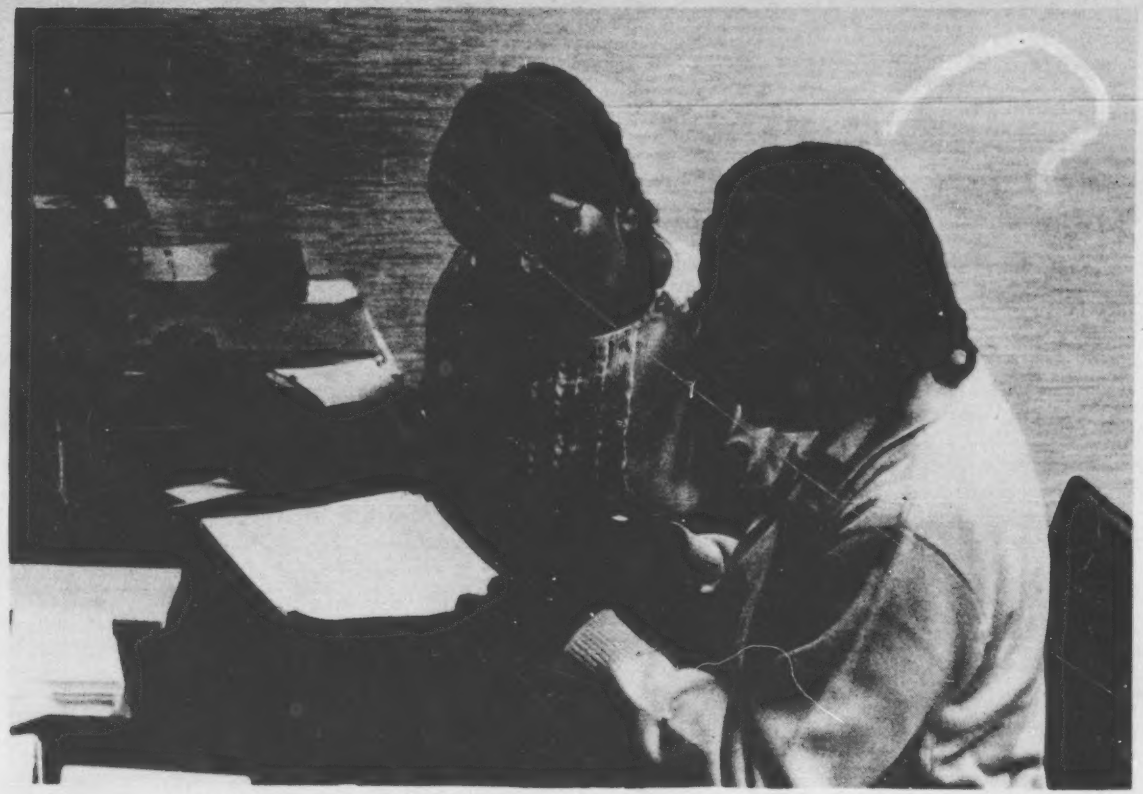

Ms. Dixon discusses patient care with hospital staff.

MAXINE DIXON — MEMBER OF TRIBAL COUNCIL, CHAIRMAN OF THE HEALTH COMMITTEE

Born in 1941 in the Pearl River Community, Maxine Dixon completed her primary education in the Pearl River school and because the local high schools were not admitting Indian students, attended Meridian High School. After graduation, she attended Oklahoma Tech for two years, majoring in business. Although she had the opportunity to remain in Oklahoma, she decided to return home to Mississippi. She remembered the involvement of her parents and grandparents in tribal politics. She remembered how they had always tried to make the lives of others a little better. She felt that if she could make a contribution by improving the life chances of another; she would have found her purpose of being on this earth.

Returning to the reservation, she began to work as a secretary for the Tribal Council. When the anti-poverty programs of the 1960's began, she took a position with a multi-racial, adult basic education program in the city of Carthage. She left for one year with her husband for Jackson, but again returned. This time, it would be for good. Ms. Dixon spent two more years with a Head Start Program in Leake County and then, in 1969, she began to work for the tribe with the Community Health Representative Program, (CHR) the first tribally contracted health program. The CHR program worked to get tribal members to accept modern health practices. This was a problem, especially among older people who were used to treatment by medicine men and herbalists.

Maxine Dixon began her involvement in tribal politics in 1970, when she ran for Council as a representative from the Red Water Community. Losing by only one vote, she tried again two years later. This time, her bid for office was successful. She has been a member of Tribal Council ever since. In 1977, she was named Chairman of the Health Committee. She would like to see the hospital add a surgical wing and a trauma center, and perhaps to convert the hospital into a regional medical center for all Indian tribes. She believes that much still needs to be done. She plans to work hard, both locally and on the national level, to make sure that Mississippi Choctaws have as good a chance for a healthy and fruitful life as any other American citizen.

Ms. Dixon immediate goal as Health Committee Chairman was to organize a tribal health department for the new Choctaw Health Center. Once the new building was completed, she worked to design a system of health care that combined the Indian Health Service programs and tribal health programs. Due to her efforts, a new system of contracting the majority of health services from the IHS was implemented. It allowed non- Indian health professionals to work cooperatively with tribal health employees who could communicate with Choctaw patients. An emergency medical service, open 24 hours a day, was put into place, as well as health clinics in each of the Choctaw communities. The result has been greater acceptance by the community of modern health care practices and better health for the people.

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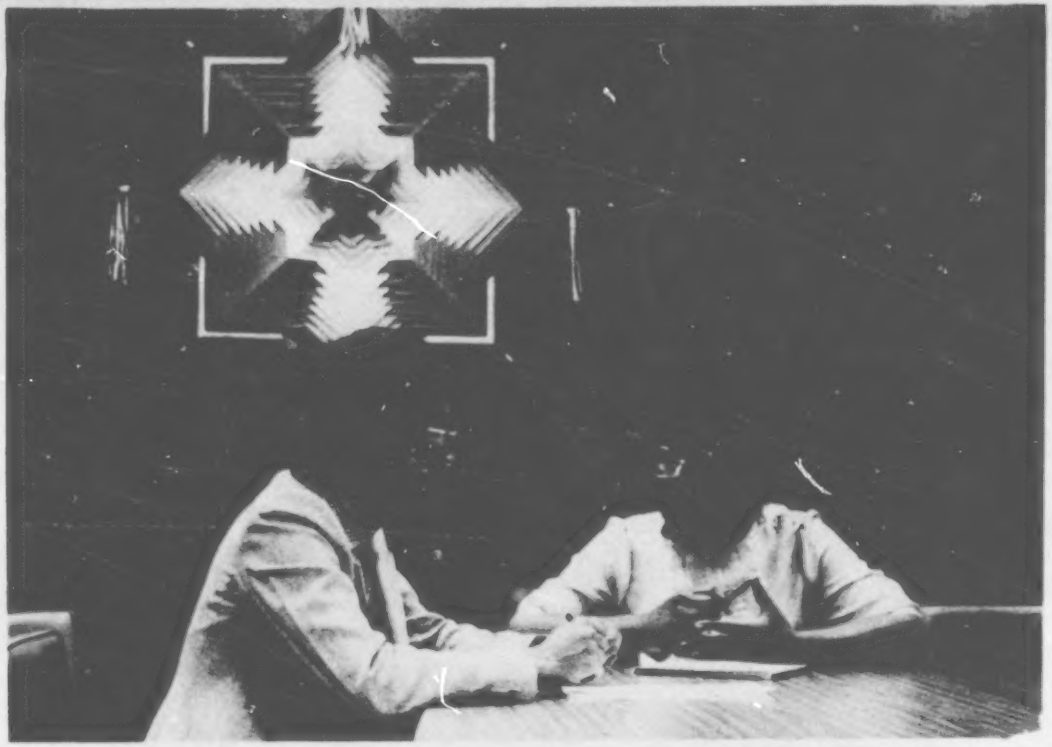

Ms. Dixon discusses the situation at the Choctaw Medical Center with Binh Nguyen, Hospital Administrator.

Maxine Dixon acknowledges the encouragement she received from her father with much of what she has been able to accomplish for herself. He allowed her to dream, to believe that she could become anything she wanted. Even though her grandmother felt that women should stay home and care for the family, her father insisted that she concentrate on getting an education.

Her goals for the future, as a member of Council and as Health Committee Chairman, are to expand and strengthen health services for the Choctaw people. She sees health education, preventive defection and better nutrition programs as immediate needs.

however, must be presented to Council for final approval. The establishment of the office of Chief strengthened the executive function of tribal government. It was also an act of self-determination as the office of Chief had been abolished and prohibited under state law in the 1830's.

The new Constitution also extended the term of Council, members from two to four years, with half the Council up for re-election every two years. To allow the Council to gain greater expertise in legislative decision-making, a system of seven committees was later established—health, economic development, budget and finance, community development, and judicial affairs and law enforcement. Each Council member is appointed to one of the committees. A committee chairman, elected by Council, heads each committee.

Under the new Constitution, tribal government was strengthened. The longer terms of office allows for greater continuity in the direction of tribal policy. The Committee System allows elected representatives to carefully study proposals before they are brought to a vote by the full Council. Committee members can gain in-depth knowledge of specific problem areas. This insures that decisions by tribal government are well informed and that no one individual dominates government.

ECONOMIC DEVELOPMENT

Tribal government leaders realized that with unemployment on the reservation approaching 80% in the 1960's, the goal of self-determination would not be accomplished without the economic self-sufficiency of the tribe. Tribal Council, therefore, decided to initiate a program capable of handling heavy truck traffic. In 1978, the park was expanded to 80 acres and with seed money from Chata Development, an industrial building was constructed. Negotiations by tribal leaders to locate business and industry in the park had succeeded and in 1979, Tribal Council approved the charter for Chahta Enterprise as a tribally owned enterprise. A dedicated supplier to the Packard Electric, Division of General Motors, Chata Enterprise produces wire harness assemblies for Chevrolet pick-up trucks and Buick LaSabres. The Enterprise has a work force of 200 employees, 75% of them Choctaws. It has gained a reputation for quality with the lowest rejection rate of any of Packard's dedicated suppliers in Mississippi.

And in 1981, after nearly ten years of negotiations, a contract between the American Greetings Corporation and another tribally owned business, Choctaw Greetings Enterprise, was signed to hand finish quality greeting cards. Currently employing 250 people, Choctaw Greetings has become the third largest greetings plant in the world.

Building upon the success of Chahta Development, Chata Enterprise and Choctaw Greetings, the Tribal Council has approved plans for the construction of a plant capable of manufacturing wire, cable, and circuits on a competitive bid basis. The plan is expected to become operational in 1983, opening an additional 200 positions for tribal members. Also planned is a shopping center and a tourist complex. Individual tribal members are being encouraged to begin small businesses.

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Through the creation of private-sector jobs on the reservation, the tribal goal of self-sufficiency has taken on new meaning with the opening of the new wire and cable operation, the tribe has the potential of becoming one of the largest employers in the local area. It will be the achievement of a sophisticated and stable government and a hard working people. It is a record that may serve as a model for the economic development of other Indian tribes.

Beasley Denson, Representative from Standing Pine, Tribal Secretary and Chair of the Finance and Budget Committee at work in his office

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Choctaw workers assembling wire harnesses.

Choctaws fill administrative positions at the plants also.

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Choctaw Greetings Enterprise on the Choctaw Reservation.

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APPENDIX 1

TREATY WITH THE CHOCTAW, 1786.

Articles of a treaty concluded at Hopewell, on the Keowee, near Seneca Old Town, between Benjamin Hawkins, Andrew Pickens and Joseph Martin, commissioners Plenipotentiary of the United States of America, of the one part; and Yockonahoma, great Medal Chief of Soonscoha; Yockehoopoie, leading chief of Bugtoogoloo; Mingohoopoie, leading Chief of Hashooqua; Tobocoh, great Medal Chief of Congetoo; Pooshemastubie, Gorget Captain of Senayazo; and thirteen small Medal Chiefs of the first Class, twelve Medal and Gorget Captains, Commissioners Plenipotentiary of all the Choctaw Nation, of the other part.

The Commissioners Plenipotentiary of the United States of America give peace to all the Chocataw nation, and receive them into the favor and protection fo the United States of America, on the following conditions:

ARTICLE I.

The Commissioners Plenipotentiary of all the Choctaw nation, shall restore all the prisoners, citizens of the United States, or subjects of their allies, to their entire liberty, if any there be in the Choctaw nation. They shall also restore all the negroes, and all other property taken during the late war, from the citizens, to such person, and at such time and place as the Commissioners of the United States of America shall appoint, if any there be in the Choctaw nation.

ARTICLE II.

The Commissioners Plenipotentiary of all the Choctaw nation, do hereby acknowledge the tribes and towns of the said nation, and the lands within the boundary allotted to the said Indians to live and hunt on, as mentioned in the third article, to be under the protection of the United States of America, and of no other sovereign whosoever.

ARTICLE III.

The boundary of the lands hereby allotted to the Choctaw nation to live and hunt on, within the limits of the United States of America, is and shall be the following, viz. Beginning at a point on the thirty-first degree of north latitude, where the Eastern boundary of the Natches district shall touch the same; thence east along the said thirty-first degree of north latitude, being the southern boundary of the United States of America, until it shall strike the eastern boundary of the lands on which the Indians of the said nation did live and hunt on the twenty-ninth November, one thousand seven hundred and eighty-two, while they were under the protection fo the King of Great-Britain; thence northerly along the said eastern boundary, until it shall meet the northern boundary, until it shall meet the western boundary thereof; thence southerly along the same to the beginning: saving and reserving for the establishment of trading posts, three tracts or parcels of land of six miles square each, at such places as the United [States] in Congress assembled shall think proper; which posts, and the lands annexed to them, shall be to the use and under the government of the United States of America.

ARTICLE IV.

If any citizen of the United States, or other person not being an Indian, shall attempt to settle on any of the lands hereby allotted to the Indians to live and hunt on, such person shall forfeit the protection of the United States of America, and the Indians may punish him or not as they please.

ARTICLE V.

If any Indian or Indians, or persons, residing among them, or who shall take refuge in their nation, shall commit a robbery or murder or other capital crime on any citizen of the United States of America, or person under their protection, the tribe to which such offender may belong, or the nation, shall be bound to deliver him or them up to be punished according to the ordinances of the United States in Congress assembled: Provided, that the punishment shall not be greater than if the robbery or murder, or other capital crime, had been committed by a citizen on a citizen.

ARTICLE VI.

If any citizen of the United States of America, or person under their protection, shall commit a robbery or murder, or other capital crime, on any Indian, such offender or offenders shall be punished in the same manner as if the robbery or murder, or other capital crime, had been committed on a citizen of the United States of America; and the punishment shall be in presence of some of the Choctaws, if any will attend at the time and place; and that they may have an opportunity so to do, due notice, if practicable, of the time of such intended punishment, shall be sent to some one of the tribes.

ARTICLE VII.

It is understood that the punishment of the innocent, under the idea of retaliation, is unjust, and shall not be practiced on either side, except where there is a manifest violation of this treaty; and then it shall be preceded, first by a demand of justice, and if refused, then by a declaration of hostilities.

ARTICLE VIII.

For the benefit and comfort of the Indians, and for the prevention of injuries or oppressions on the part of the citizens or Indians, the United States in Congress assembled, shall have the sole and exclusive right of regulating the trade with the Indians, and managing all their affairs in such manner as they think proper.

ARTICLE IX.

Until the pleasure of Congress be known, respecting the eighth article, all traders, citizens of the United States of America, shall have liberty to go to any of the tribes or towns of the Choctaws, to trade with them, and they shall be protected in their persons and property, and kindly treated.

ARTICLE X.

The said Indians shall give notice to the citizens of the United States of America, of any designs which they may know or suspect to be formed in any neighboring tribe, or by any person whosoever, against the peace, trade or interest of the United States of America.

ARTICLE XI.

The hatchet shall be forever buried, and the peace given by the United States of America, and friendship re-established between the said states on the one part, and all the Choctaw nation on the other part, shall be universal; and the contracting parties shall use their utmost endeavors to maintain the peace given as aforesaid, and friendship re-established.

In witness of all and every thing herein determined, between the United States of America and all the Choctaws, we, their underwritten commissioners, by virtue of our full powers, have signed this definitive treaty, and have caused our seals to be hereunto affixed.

Done at Hopewell, on the Keowee, this third day of January, in the year of our Lord one thousand seven hundred and eighty-six.

Benjamin Hawkins,	[L. S.]	Yockenahoma, his x mark,	[L. S.]
Andrew Pickens,	[L. S.]	Yockehoopoie, his x mark,	[L. S.]
Jos. Martin,	[L. S.]	Mingohoopoie, his x mark,	[L. S.]
Tobocoh, his x mark,	[L. S.]	Cshecoopoohoomoch, his x mark,	[L. S.]
Pooshemastuby, his x mark	[L. S.]	Stonakoohoopoie, his x mark	[L. S.]
Tuscoonoohoopoie, his x mark,	[L. S.]	Tushkoheegohta, his x mark,	[L. S.]
Shinshemastuby, his x mark,	[L. S.]	Pooshonaltla, his x mark,	[L. S.]
Yoopahooma, his x mark,	[L. S.]	Okanconnooba, his x mark,	[L. S.]
Stoonokoohoopoie, his x mark,	[L. S.]	Autoonachuba, his x mark,	[L. S.]
Tehakuhbay, his x mark,	[L. S.]	Pangehooloch, his x mark,	[L. S.]
Pooshemastuby, his x mark,	[L. S.]	Steabee, his x mark,	[L. S.]
Tuskkahoomoih, his x mark,	[L. S.]	Tenetchenna, his x mark,	[L. S.]
Tushkahoomock, his x mark,	[L. S.]	Tushkementahock, his x mark,	[L. S.]
Yoostenochla, his x mark,	[L. S.]	Tushtallay, his x mark,	[L. S.]
Tootehooma, his x mark,	[L. S.]	Cshnaangchabba, his x mark,	[L. S.]
Toobenohoomoch, his x mark,	[L. S.]	Cunnopoie, his x mark,	[L. S.]

Witness:
Wm. Blount,
John Woods,
Saml. Taylor,
Robert Anderson,
Benj. Lawrence,
John Pitchlynn,
James Cole,
Interpreters.

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TREATY WITH THE CHOCTAW, 1801.

A treaty of friendship, limits and accommodation between the United States of America and the Choctaw nation of Indians

Thomas Jefferson, President of the United States of America, by James Wilkinson, of the state of Maryland, Brigadier-General in the army of the United States, Benjamin Hawkins, of North Carolina, and Andrew Pickens, of South Carolina, commissioners plenipotentiary of the United States on the one part, and the Mingos, principal men and warriors of the Choctaw nation, representing the said nation in council assembled, on the other part, have entered into the following articles and conditions, viz:

ART. I. Whereas the United States in Congress assembled, did by their commissioners Plenipotentiary, Benjamin Hawkins, Andrew Pickens, and Joseph Martin, at a treaty held with the chiefs and head men of the Choctaw nation at Hopewell, on the Keowe, the third day of January, in the year of our Lord, one thousand seven hundred and eighty-six, give peace to the said nation, ,and receive it into the favor and protection of the United States of America; it is agreed by the parties to these presents respectively, that the Choctaw nation, or such part of is as may reside within the limits of the United States, shall be and continue under the care and protection fo the said States; and that the mutual confidence and friendship which are hereby acknowledged to subsist between the contracting parties shall be maintained and perpetuated.

ART. II. The Mingos principal men and warriors of the Choctaw nation of Indians, do hereby give their free consent, that a convenient and durable wagon way may be explored, marked, opened and made under the orders and instructions of the President of the United States, through their lands to commence at the northern extremity of the settlements of the Mississippi Territory, and to be extended from thence, by such route as may be selected and surveyed under the authority of the President of the United States, until it shall strike the lands claimed by the Chickasaw nation, and the same shall be and continue for ever, a highway for the citizens of the United States and the Choctaws; and the said Choctaws shall nominate two discreet men from their nation, who may be employed as assistants, guides or pilots, during the time of laying out and opening the said high-way, or so long as may be deemed expedient, under the direction of the officer charged with this duty, who shall receive a reasonable compensation for their services.

ART. III. The two contracting parties covenant and agree that the old line of demarkation heretofore established by and between the officers of his Britannic Majesty and the Choctaw nation, which runs in a parallel direction with the Mississippi river and eastward thereof, shall be retraced and plainly marked, in such way and manner as the President may direct, in the presence of two persons to be appointed by the said nation; and that the said line shall be the boundary between the settlements of the Mississippi Territory and the Choctaw nation. And the said nation does by these presents relinquish to the United States and quit claim for ever, all their right, title and pretension to the land lying between the said line and the Mississippi river, bounded south by the thirty-first degree of north latitude, and north by the Yazoo river, where the said line shall strike the same; and on the part of the commissioners, it is agreed that all persons who may be settled beyond this line, shall be removed within it, on the side towards the Mississippi, together with their slaves, household furniture, tools, materials and stock, and that the cabins or houses erected by such persons shall be demolished.

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ART. IV. The President of the United States may, at his discretion, proceed to execute the second article of this treaty; and the third article shall be carried into effect as soon as may be convenient to the government of the United States, and without unneccessary delay on the one part or the other, or which the President shall be the judge; the Choctaws to be seasonably advised, by order of the President of the United States, of the time when, and the place where, the re-survey and re-marking of the old line referred to in the preceding article, will be commenced.

ART. V. The commissioners of the United States, for and in consideration of the foregoing concessions on the part of the Choctaw nation, and in full satisfaction for the same, do give and deliver to the Mingos, chiefs and warriors of the said nation, at the signing of these presents, the value of two thousand dollars in goods and merchandise, net cost of Philadelphia, the receipt whereof is hereby acknowledged; and they further engage to give three sets of blacksmith's tools to the said nation.

ART. VI. This treaty shall take effect and be obligatory on the contracting parties, so soon as the same shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof.

In testimony whereof, the commissioners plenipotentiary of the United States, and the Mingos, principal men, and warriors, of the Choctaw nation, have hereto subscribed their names and affixed their seals, at Fort Adams, on the Mississippi, this seventeenth day of December, in the year of our Lord one thousand eight hundred and one, and of the Independence of the United States the twenty-sixth.

James Wilkinson,	[L. S.]	Shappa Homo, his x mark,	[L. S.]
Benjamin Hawkins,	[L. S.]	Hiupa Homo, his x mark,	[L. S.]
Andrew Pickens,	[L. S.]	Illatalla Homo, his x mark,	[L. S.]
Tuskona Hopoia, his x mark,	[L. S.]	Hoche Homo, his x mark,	[L. S.]
Toota Homo, his x mark,	[L. S.]	Tuspena Chaabe, his x mark,	[L. S.]
Mingo Hom Massatubby, his x mark,	[L. S.]	Muclusha Hopoia, his x mark,	[L. S.]
Oak Shumme, his x mark,	[L. S.]	Capputanne Thlucco, his x mark,	[L. S.]
Mingo Pooscoos, his x mark,	[L. S.]	Robert McClure, his x mark,	[L. S.]
Buckshun Nubby, his x mark,	[L. S.]	Poosha Homo, his x mark,	[L. S.]
		Baka Lubbe, his x mark,	[L. S.]

Witnesses present:

Alexander Macomb, jun. secretary to the commission.
John McKee, deputy superintendent, and agent to the Choctaws.
Henry Gaither, lieutenant colonel, commandant.
John H. Brull, major, Second Regiment infantry.
Bw. Shaumburgh, captain, Second Regiment Infantry.
Frans. Jones, Assistant Quartermaster General.
Benjamin Wilkinson, lieutenant and paymaster, Third United States Regiment.
J. B. Walbach, aid-de-camp to the commanding general.
J. Wilson, lieutenant, Third Regiment Infantry.
Samuel Jeton, lieutenant, Second Regiment of Artillery and Engineers.
John F. Carmichael, surgeon, Third Regiment United States Army.

TREATY WITH THE CHOCTAW, 1802.

A provisional convention entered into and made by brigadier general James Wilkinson, of the state of Maryland, commissioner for holding conferences with the Indians south of the Ohio River, in behalf of the United States, on the one part, and the whole Choctaw nation, by their chiefs, head men, and principal warriors, on the other part.

Preamble. For the mutual accommodation of the parties, and to perpetuate that concord and friendship, which so happily subsists between them, they do hereby freely, voluntarily, and without constraint, covenant and agree,

ART. I. That the President of the United States may, at his discretion, by a commissioner or commissioners, to be appointed by him, by and with the advice and consent of the Senate of the United States, retrace, connect, and plainly remark the old line of limits, established by and between his Britannic majesty and the said Choctaw nation, which begins on the left bank of the Chickasawhay river and runs thence in an easterly direction to the right bank of the Tombigby river, terminating on the same, at a bluff well known by the name of Hach-a-Tig-geby, but it is to be clearly understood, that two commissioners, to be appointed by the said nation, from their own body, are to attend the commissioner or commissioners of the United States, who may be appointed to perform this service, for which purpose the said Choctaw nation shall be seasonably advised by the President of the United States, of the particular period at which the operation may be commenced, and the said Choctaw commissioners shall be subsisted by the United States, so long as they may be engaged on this business, and paid for their services, during the said term, at the rate of one dollar per day.

ART. II. The said line, when thus remarked and re-established, shall form the boundary between the United States and the said Choctaw nation, in that quarter, and the said Choctaw nation, for, and in consideration of one dollar, to them in hand paid by the said United States, the receipt whereof is hereby acknowledged, do hereby release to the said United States, and quit claim for ever, to all that tract of land which is included by the beforenamed line on the north, by the Chickasawhay river on the west, by the Tombigbee and the Mobile rivers on the east, and by the boundary of the United States on the south.

ART. III. The chiefs, head men, and warriors, of the said Choctaw nation, do hereby constitute, authorise and appoint, the chiefs and head men of the upper towns of the said nation, to make such alteration in the old boundary line near the mouth of the Yazoo river, as may be found convenient, and may be done without injury to the said nation.

ART IV. This convention shall take effect and become obligatory on the contracting parties as soon as the President of the United States, by and with the advice and consent of the Senate, shall have ratified the same.

In testimony whereof, the parties have hereunto set their hands and affixed their seals, at Fort Confederation, on the Tombigbee, in the Choctaw country, this 17th day of October, in the year of our Lord, one thousand eight hundred and two, and of the independence of the United States the twenty-seventh.

James Wilkinson,	[L. S.]
In behalf of the lower towns and Chicasawhay	
Tuskona Hoopoia, his x mark,	[L. S.]
Mingo Pooskoos, his x mark,	[L. S.]
Mingo Pooskoos, 2nd his x mark,	[L. S.]
Poosha Mattahay, his x mark,	[L. S.]

In behalf of the upper towns:
Oak Chummy, his x mark, [L. S.]
Tuskee Maiab, his x mark, [L. S.]
In behalf of the six towns and lower town:
Latalahomah, his x mark, [L. S.]
Mooklahoosooosh, his x mark, [L. S.]
Mingo Hom Astubby, his x mark, [L. S.]
Tuskahomah, his x mark, [L. S.]

Witnesses present:
Silas Dinsmoor, Agent to the Choctaws,
John Pitchlynn,
Turner Brashears,
Peter H. Naisalis,
John Long,
Interpreters.

TREATY WITH THE CHOCTAW, 1803.

To whom these presents shall come,

Know Ye, That the undersigned, commissioners plenipotentiary of the United States of America, of the one part, and of the whole Choctaw nation of the other part, being duly authorised by the President of the United States, and by the chiefs and headmen of the said nation, do hereby establish in conformity to the convention of Fort Confederation, for the line of demarkation recognized in the said convention, the following metes and bounds, viz: Beginning in the channel of the Hatchee Comesa, or Wax river, at the point where the line of limits, between the United States and Spain crosseth the same, thence up the channel of said river to the confluence of the Chickasaw-Hay and Buckhatannee rivers, thence up the channel of the Buckhatannee to Bogue Hooma or Red creek, thence up the said creek to a Pine tree standing on the left bank of the same, and blazed on two of its sides, about twelve links southwest of an old trading path, leading from the town of Mobile to the Hewanee towns, much worn, but not in use at the present time:—From this tree we find the following bearings and distances, viz: south fifty four degrees thrity minutes, west, one chain, one link a black gum, north thirty nine minutes, west, one chain, five links to a water oak; thence with the old British line of partition in its various inflections, to a Mulberry post, planted on the right bank of the main branch of Sintee Bogue or Snake creek, where it makes a sharp turn to the southeast, a large broken top Cypress-tree standing near the opposite bank of the creek, which is about three poles wide, thence down the said creek to the Tombigbee river, thence down the Tombigbee and Mobile rivers, to the above mentioned line of limits between the United States and Spain, and with the same to the point of beginning. And we, the said commissioners plenipotentiary, do ratify and confirm the said line of demarkation, and do recognize and acknowledge the same to be the boundary which shall separate and distinguish the land ceded to the United States, between the Tombigbee, Mobile and Pascagola rivers, from that which has not been ceded by the said Choctaw nation.

In testimony whereof, we hereunto affix our hands and seals, this thirty-first day of August, in the year of our Lord one thousand eight hundred and three, to triplicates of this tenor and date. Done at Hoe-Buckin-too-pa, the day and year above written, and in the twenty-seventh year of the independence of the United States.

James Wilkinson, [L. S.]
Mingo Pooscoos, his x mark, [L. S.]
Alatala Hooma, his x mark, [L. S.]

Witnesses present:
Young Gains, interpreter,
John Bowyer, captain Second United States Regiment,
Joseph Chambers, United States factor.

We the commissioners of the Choctaw nation, duly appointed and the chiefs of the said nation who reside on the Tombigbee river, next to Sintee Bogue, do acknowledge to have received from the United States of America, by the hands of Brigadier General James Wilkinson, as a consideration in full for the confirmation of the above concession, the following articles, viz: fifteen pieces of stroud, three rifles, one hundred and fifty blankets, two hundred and fifty pounds of powder, two hundred and fifty pounds of lead, one bridle, one man's saddle, and one black silk handkerchief.

Mingo Pooscoos, his x mark, [L. S.]
Alatala Hooma, his x mark, [L. S.]
Commissioners of the Choctaw nation.
Pio Mingo, his x mark, [L. S.]
Pasa Mastubby Mingo, his x mark, [L. S.]
Tappena Oakchia, his x mark, [L. S.]
Tuskenung Cooche, his x mark, [L. S.]
Cussoonuckchia, his x mark, [L. S.]
Pushapia, his x mark, [L. S.]
Chiefs residing on the Tombigbee near to St. Stephens.

Witnesses present:
Young Gains, interpreter,
John Bowyer, Captain Second United States Regiment,
Joseph Chambers, United States factor.

TREATY WITH THE CHOCTAW, 1805.

A Treaty of Limits between the United States of America and the Choktaw Nation of Indians.

Thomas Jefferson, President of the United States of America, by James Robertson, of Tennessee, and Silas Dinsmoor, or New Hampshire, agent of the United States to the Choktaws, commissioners plenipotentiary of the United States, on the one part, and the Mingoes, Chiefs and warriors of the Choktaw nation of Indians, in council assembled on the other part, have entered into the following agreement, viz:

ARTICLE I. The Mingoes, chiefs, and warriors of the Choktaw nation of Indians in behalf of themselves, and the said nation, do by these presents cede to the United States of America, all the lands to which they now have or ever had claim, lying to the right of the following lines, to say: Beginning at a branch of the Humacheeto where the same is intersected by the present Choktaw boundary, and also by the path leading from Natchez to the county of Washington, usually called M'Clarey's path, thence eastwardly along M'Clarey's path, to the east or left bank of Pearl river, thence on such a direct line as would touch the lower end of a bluff on the left bank of Chickasawhay river the first above the Hiyoowannee towns, called Broken Bluff, to a point within four miles of the Broken Bluff, thence in a direct line nearly parallel with the river to a point whence an east line of four miles in length will intersect the river below the lowest settlement at present occupied and improved in the Hiyoowannee town, thence still east four miles, thence in a direct line nearly parallel with the river to a point on a line to be run from the lower end of the Broken bluff to Faluktabunnee on the Tombigbee river four miles from the Broken Bluff, thence along the said line to Faluktabunnee, thence east to the boundary between the Creeks and Choktaws on the ridge dividing the waters running into the Alabama from those running into Tombigbee, thence southwardly along the said ridge and boundary to the southern point of the Choktaw claim. Reserving a tract of two miles square run on meridians and parallels so as to include the houses and improvements in the town of Fuketcheepoonta, and reserving also a tract of five thousand one hundred and twenty acres, beginning at a post on the left bank of Tombigbee river opposite the lower end of Hatchatigbee Bluff, thence ascending the river four miles front and two back one half, for the use of Alzira, the other half for the use of Sophia, daughters of Samuel Mitchell, by Molly, a Choktaw woman. The latter reserve to be subject to the same laws and regulations as may be established in the circumjacent country; and the said Mingoes of the Choktaws, request that the government of the United States may confirm the title of this reserve in the said Alzira and Sophia.

ART. II. For and in consideration of the foregoing cession on the part of the Choktaw nation, and in full satisfaction for the same, the commissioners of the United States, do hereby covenant, and agree with the said nation in behalf of the United States, that the said States shall pay to the said nation fifty thousand five hundred dollars, for the following purposes, to wit:

Forty eight thousand dollars to enable the Mingoes to discharge the debt due to their merchants and traders; and also to pay for the depredations committed on stock, and other property by evil disposed persons of the said Choktaw nation; two thousand five hundred dollars to be paid to John Pitchlynn, to compensate him for certain losses sustained in the Choktaw country, and a grateful testimonial of the nation's esteem. And the said States shall also pay annually to the said Choktaws, for the use of the nation, three thousand dollars in such goods (at neat cost of Philadelphia) as the Mingoes may choose, they giving at least one year's notice of such choice.

ART. III. The commissioners of the United States, on the part of the said States, engage to give to each of the three great Medal Mingoes, Pukshnubbee-Mingo, Hoomastubbee, and Pooshamattaha, five hundred dollars in consideration of past services in their nation, and also to pay to each of them an annuity of one hundred and fifty dollars during their continuance in office. It is perfectly understood, that neither of those great Medal Mingoes is to share any part of the general annuity of the nation.

ART. IV. The Mingoes, chiefs, and warriors of the Choktaws, certify that a tract of land not exceeding fifteen hundred acres, situated between the Tombigbee river and Jackson's creek, the front or river line extending down the river from a blazed white oak standing on the left bank of the Tombigbee near the head of the shoal, next above Hobukentoopa and claimed by John McGrew was in fact granted to the said M'Grew by Opiomingo Hesnitta, and others, many years ago, and they respectfully request the government of the United States to establish the claim of the said M'Grew to the said fifteen hundred acres.

ART. V. The two contracting parties covenant and agree that the boundary as described in the second [first] article shall be ascertained

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and plainly marked, in such way and manner as the President of the United States may direct, in the presence of three persons to be appointed by the said nation; one from each of the great medal districts, each of whom shall receive for this service two dollars per day during his actual attendance, and the Choktaws shall have due and seasonable notice of the place where, and time when, the operation shall commence.

ART. VI. The lease granted for establishments on the roads leading through the Choktaw country, is hereby confirmed in all its conditions, and, except in the alteration of boundary, nothing in this instrument shall affect or change any of the pre-existing obligations of the contracting parties.

ART. VII. This treaty shall take effect and become reciprocally obligatory so soon as the same shall have been ratified by the President of the United States of America, by and with the advice and consent of the Senate of the United States.

Done on Mount Dexter, in Pooshapukanuk, in the Choctaw country, this sixteenth day of November, in the year of our Lord one thousand eight hundred and five, and of the independence of the United States of America the thirtieth.

Commissioners:		John Carnes, his x mark,	[L. S.]
James Robertson,	[L. S.]	Tooteehooma, his x mark,	[L. S.]
Silas Dinsmoor,	[L. S.]	Hoosheehooma, his x mark,	[L. S.]
Great Medal Mingos:		Tootuhooma, 2d, his x mark,	[L. S.]
Puskshunnubbee, his x mark,	[L. S.]	George James, his x mark,	[L. S.]
Mingo Hoomastubbee,		Robert McClure, his x mark,	[L. S.]
his x mark,	[L. S.]	Tuskeamingo, his x mark,	[L. S.]
Pooshamattaha, his x mark,	[L. S.]	Hattukubbeehooihta,	
Chiefs and warriors:		his x mark,	[L. S.]
Ookchummee, his x mark,	[L. S.]	Fishoommastubbee,	
Tuskamiubbee, his x mark,	[L. S.]	his x mark,	[L. S.]
James Perry, his x mark,	[L. S.]	Anoguaiah, his x mark,	[L. S.]
Levi Perry, his x mark,	[L. S.]	Lewis Lucas, his x mark,	[L. S.]
Isaac Perry, his x mark,	[L. S.]	James Pitchlynn, his x mark,	[L. S.]
William Turnbull,	[L. S.]	Panshee Eenanhla, his x mark,	[L. S.]
		Pansheehoomubbu, his x mark,	[L. S.]

Witnesses present at signing and sealing:

Thomas Augustine Claiborn, secretary to the commissioners.
John M'Kee.
Samuel Mitchell, United States agent to the Chickasaws.
William Colbert, of the Chickasaws, his x mark.
Lewis Ward.
Charles Jazan.
Garrud E. Nelson.
David Chote.
Nathaniel Tolsom.
Mdl. Mackey.
Lewis Lefto.
John Pitchlynn, United States interpreter.
Will. Tyrrell, assistant interpreter.

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TREATY WITH THE CHOCTAW, 1816.

A treaty of cession between the United States of America and the Choctaw nation of Indians.

James Madison, president of the United States of America, by general John Coffee, John Rhea, and John M'Kee, esquires, commissioners on the part of the United States, duly authorized for that purpose, on the one part, and the mingoes, leaders, captains, and warriors, of the Choctaw nation, in general council assembled, in behalf of themselves and the whole nation, on the other part, have entered into the following articles, which, when ratified by the president of the United States, with the advice and consent of the senate, shall be obligatory on both parties:

ART. 1. The Choctaw nation, for the consideration hereafter mentioned, cede to the United States all their title and claim to lands lying east of the following boundary, beginning at the mouth of Ooktibbuha, the Chickasaw boundary, and running frm thence down the Tombigbee river, until it intersects the northern boundary of a cession made to the United States by the Choctaws, at Mount Dexter, on the 16th November, 1805.

ART. 2. In consideration of the foregoing cession, the United States engage to pay to the Choctaw nation the sum of six thousand dollars annually, for twenty years; they also agree to pay them in merchandise, to be delivered immediately on signing the present treaty, the sum of ten thousand dollars.

Done and executed in full and open council, at the Choctaw trading house, this twenty-fourth day of October, in the year of our Lord one thousand eight hundred and sixteen, and of the independence of the United States the forty-first.

John Coffee,	[L. S.]	General Humming Bird, his x mark	[L. S.]
John Rhea,	[L. S.]	Talking warrior, his x mark,	[L. S.]
John McKee,	[L. S.]	David Folsom,	[L. S.]
Mushoolatubbee, his x mark,	[L. S.]	Bob Cole, his x mark,	[L. S.]
Pooshamallaha, his x mark,	[L. S.]	Oofupna, his x mark,	[L. S.]
Pukshunnubbu, his x mark,	[L. S.]	Hoopoeeskitteenee, his x mark,	[L. S.]
General Terror, his x mark,	[L. S.]	Hoopoieemiko, his x mark,	[L. S.]
Choctaw Eestannokee,		Hoopoieethoma, his x mark,	[L. S.]
his x mark,	[L. S.]		

Witness:
Tho. H. Williams, secretary to the commission.
John Pitchlynn, interpreter.
Turner Broshear, interpreter.
M. Mackey, interpreter.
Silas Dinsmoor.
R. Chamberlin.

TREATY WITH THE CHOCTAW, 1820.

A treaty of friendship, limits, and accommodation, between the United States of America and the Choctaw nation of Indians, begun and concluded at the Treaty Ground, in said nation, near Doak's Stand, on the Natchez Road.

PREAMBLE.

Whereas it is an important object with the President of the United States, to promote the civilization of the Choctaw Indians, by the establishment of schools amongst them, and to perpetuate them as a nation, by exchanging, for a small part of their land here, a country beyond the Mississippi River, where all, who live by hunting and will not work, may be collected and settled together:—And whereas it is desirable to the state of Mississippi, to obtain a small part of the land belonging to said nation; for the mutual accommodation of the parties, and for securing the happiness and protection to the whole Choctaw nation, as well as preserving that harmony and friendship which so happily subsists between them and the United States, James Monroe, President of the United States of America, by Andrew Jackson, of the State of Tennessee, Major General in the Army of the United States, and General Thomas Hinds, of the State of Mississippi, Commissioners Plenipotentiary of the United States, on the one part, and the Mingoes, Head Men, and Warriors, of the Choctaw nation, in full Council assembled, on the other part, have freely and voluntarily entered into the following articles, viz:

ART. 1. To enable the President of the United States to carry into effect the above grand and humane objects, the Mingoes, Head Men, and Warriors, of the Choctaw nation, in full council assembled, in behalf of themselves and the said nation, do, by these presents, cede to the United States of America, all the land lying and being within the boundaries following, to wit:—Beginning on the Choctaw boundary, East of Pearl River, at a point due South of the White Oak spring, on the old Indian path; thence north to said spring; thence northwardly to a black oak, standing on the Natchez road, about forty poles eastwardly from Doake's fence, marked A. J. and blazed, with two large pines and a black oak standing near thereto, and marked as pointers; thence a straight line to the head of Black Creek, or Bouge Loosa; thence down Black Creek or Bouge Loosa to a small Lake; thence a direct course, so as to strike the Mississippi one mile below the mouth of the Arkansas River; thence down the Mississippi to our boundary; thence around and along the same to the beginning.

ART. 2. For and in consideration of the foregoing cession, on the part of the Choctaw nation, and in part satisfaction for the same, the Commissioners of the United States, in behalf of said States, do hereby cede to said nation, a tract of country west of the Mississippi River, situate between the Arkansas and Red River, and bounded as follows:—Beginning on the Arkansas River, where the lower boundary line of the Cherokees strikes the same; thence up the Arkansas to the Canadian Fork, and up the same to its source; thence due South to the Red River; thence down Red River, three miles below the mouth of Little River, which empties itself into Red River on the north side; thence a direct line to the beginning.

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ART. 3. To prevent any dispute upon the subject of the boundaries mentioned in the 1st and 2nd articles, it is hereby stipulated between the parties, that the same shall be ascertained and distinctly marked by a Commissioner, or Commissioners, to be appointed by the United States, accompanied by such person as the Choctaw nation may select; said nation having thirty days previous notice of the time and place at which the operation will commence. The person so chosen by the Choctaws, shall act as a pilot or guide, for which the United States will pay him two dollars per day, whilst actually engaged in the performance of that duty.

ART. 4. The boundaries hereby established between the Choctaw Indians and the United States, on this side of the Mississippi river, shall remain without alteration until the period at which said nation shall become so civilized and enlightened as to be made citizens of the United States, and Congress shall lay off a limited parcel of land for the benefit of each family or individual in the nation.

ART. 5. For the purpose of aiding and assisting the poor Indians, who wish to remove to the country hereby ceded on the part of the United States, and to enable them to do well and support their families, the Commissioners of the United States engage, in behalf of said States, to give to each warrior a blanket, kettle, rifle gun, bullet moulds and nippers, and ammunition sufficient for hunting and defence, for one year. Said warrior shall also be supplied with corn to support him and his family, for the same period, and whilst traveling to the country above ceded to the Choctaw nation.

ART. 6. The Commissioners of the United States further covenant and agree, on the part of said States, that an agent shall be appointed, in due time, for the benefit of the Choctaw Indians who may be permanently settled in the country ceded to them beyond the Mississippi river, and, at a convenient period, a factor shall be sent there with goods, to supply their wants. A Blacksmith shall also be settled amongst them, at a point most convenient to the population; and a faithful person appointed, whose duty it shall be to use every reasonable exertion to collect all the wandering Indians belonging to the Choctaw nation, upon the land hereby provided for their permanent settlement.

ART. 7. Out of the lands ceded by the Choctaw nation to the United States, the Commissioners aforesaid, in behalf of said States, further covenant and agree, that fifty-four sections of one mile square shall be laid out in good land, by the President of the United States, and sold, for the purpose of raising a fund, to be applied to the support of the Choctaw schools, on both sides of the Mississippi river. Three-fourths of said fund shall be appropriated for the benefit of the schools here: and the remaining fourth for the establishment of one or more beyond the Mississippi: the whole to be placed in the hands of the President of the United States, and to be applied by him, expressly and exclusively, to this valuable object.

ART. 8. To remove any discontent which may have arisen in the Choctaw Nation, in consequence of six thousand dollars of their annuity having been appropriated annually, for sixteen years, by some of the chiefs, for the support of their schools, the Commissioners of the United States oblige themselves, on the part of said States, to set apart an additional tract of good land, for raising a fund equal to that given by the said chiefs, so that the whole of the annuity may remain in the nation, and be divided amongst them. And in order that exact justice may be done to the poor and distressed of said nation, it shall be the duty of the agent to see that the wants of every deaf, dumb, blind, and distressed Indian, shall be first supplied out of said annuity, and the balance equally distributed amongst every individual of said nation.

ART. 9. All those who have separate settlements, and fall within the limits of the land ceded by the Choctaw nation to the United States, and who desire to remain where they now reside, shall be secured in a tract or parcel of land one mile square, to include their improvements. Any one who prefers removing, if he does so within one year from the date of this treaty, shall be paid their full value, to be ascertained by two persons, to be appointed by the President of the United States.

ART. 10. As there are some who have valuable buildings on the roads and elsewhere upon the lands hereby ceded, should they remove, it is further agreed by the aforesaid Commissioners, in behalf of the United States, that the inconvenience of doing so shall be considered, and such allowance made as will amount to an equivalent. For this purpose, there shall be paid to the Mingo, Puckshenubbee, five hundred dollars; to Harrison, two hundred dollars; to Captain Cobb, two hundred dollars; to William Hays, two hundred dollars; to O'Gleno, two hundred dollars; and to all others who have comfortable houses, a compensation in the same proportion.

ART. 11. It is also provided by the Commissioners of the United States, and they agree in behalf of said states, that those Choctaw Chiefs and Warriors, who have not received compensation for their services during the campaign to Pensacola, in the late war, shall be paid whatever is due them over and above the value of the blanket, shirt, flap, and leggins, which have been delivered to them.

ART. 12. In order to promote industry and sobriety amongst all classes of the Red people, in this nation, but particularly the poor, it is further provided by the parties, that the agent appointed to reside here, shall be, and he is hereby, vested with full power to seize and confiscate all the whiskey which may be introduced into said nation, except that used at public stands, or brought in by the permit of the agent, or the principal Chiefs of the three Districts.

ART. 13. To enable the Mingoes, Chiefs, and Head Men, of the Choctaw nation, to raise and organize a corps of Light-Horse, consisting of ten in each District, so that good order may be maintained, and that all men, both white and red, may be compelled to pay their just debts, it is stipulated and agreed, that the sum of two hundred dollars shall be appropriated by the United States, for each district, annually, and placed in the bands of the agent, to pay the expenses incurred in raising and establishing said corps; which is to act as executive officers, in maintaining good order, and compelling bad men to remove from the nation, who are not authorized to live in it by a regular permit from the agent.

ART. 14. Whereas the father of the beloved Chief Mushulatubbee, of the Lower Towns, for and during his life, did receive from the United States the sum of one hundred and fifty dollars, annually; it is hereby stipulated, that his son and successor Mushulatubbee, shall annually be paid the same amount during his natural life, to commence from the ratification of this Treaty.

ART. 15. The peace and harmony subsisting between the Choctaw Nation of Indians and the United States, are hereby renewed, continued, and declared to be perpetual.

ART. 16. These articles shall take effect, and become obligatory on the contracting parties, so soon as the same shall be ratified by the President, by and with the advice and consent of the Senate of the United States.

In testimony whereof, the commissioners plenipotentiary of the United States and the Mingoes, head men, and warriors, of the Choctaw nation, have hereunto subscribed their names and affixed their seals, at the place above written, this eighteenth day of October, in the year of our Lord one thousand eight hundred and twenty, and of the independence of the United States the forty-fifth.

Andrew Jackson,	[L. S.]	Ticbehacubbee, his x mark,	[L. S.]
Thomas Hinds,	[L. S.]	Suttacanchhubbee, his x mark,	[L. S.]
Commissioners.		Capt. William Beams, his x mark,	[L. S.]
Medal Mingoes.		Captain James Pitchlynn,	[L. S.]
Puckshenubbee, his x mark,	[L. S.]	Capt. James Garland, his x mark,	[L. S.]
Pooshawattaha, his x mark,	[L. S.]	Tapanahomia, his x mark,	[L. S.]
Mushulatubbee, his x mark,	[L. S.]	Thlahomia, his x mark,	[L. S.]
Chiefs and warriors.		Tishotata, his x mark,	[L. S.]
General Humming Bird,		Inoque, his x mark,	[L. S.]
his x mark,	[L. S.]	Ulletor cubbee, his x mark,	[L. S.]
James Hanizon, his x mark,	[L. S.]	Palochubbee, his x mark,	[L. S.]
Talking Warrior, his x mark,	[L. S.]	Jopannu, his x mark,	[L. S.]
Little Leader, his x mark,	[L. S.]	Captain Joel H. Vail,	[L. S.]
Captain Bob Cole, his x mark,	[L. S.]	Tapanastonahamia, his x mark,	[L. S.]
Red Fort, or Oolatahooma,		Hoopihomia, his x mark,	[L. S.]
his x mark,	[L. S.]	Chelutahomia, his x mark,	[L. S.]
Choctawistonocka, his x mark,	[L. S.]	Tuskiamingo, his x mark,	[L. S.]
Oglano, his x mark,	[L. S.]	Young Captain, his x mark,	[L. S.]
Chuleta, his x mark,	[L. S.]	Chiefs and warriors.	
John Frazier, his x mark,	[L. S.]	Hakatubbee, his x mark,	[L. S.]
Oakchumma, his x mark,	[L. S.]	Tishoo, his x mark,	[L. S.]
Nockestona, his x mark,	[L. S.]	Capt. Bobb, his x mark,	[L. S.]
Chapahooma, his x mark,	[L. S.]	Hopeanchahabee, his x mark,	[L. S.]
Onanchahabee, his x mark,	[L. S.]	Capt. Bradley, his x mark,	[L. S.]
Copatanathoco, his x mark,	[L. S.]	Capt. Daniel M'Curtain,	
Atahobia, his x mark,	[L. S.]	his x mark,	[L. S.]
Opehoola, his x mark,	[L. S.]	Mucklisahopia, his x mark,	[L. S.]
Chetantanchahubbee,		Nuckpullachubbee,	
his x mark,	[L. S.]	his x mark,	[L. S.]
Captain Lapala, his x mark,	[L. S.]	George Turnbull,	[L. S.]
Pan chahabbee, his x mark,	[L. S.]	Captain Thomas M'Curtain,	
Chuckahicka, his x mark,	[L. S.]	his x mark,	[L. S.]
Tallahomia, his x mark,	[L. S.]	Oakehonahooma, his x mark,	[L. S.]
Totapia, his x mark,	[L. S.]	Capt. John Cairns, his x mark,	[L. S.]
Hocktanlubbee, his x mark,	[L. S.]	Topenastonahooma, his x mark,	[L. S.]
Tapawanchahubbee, his x mark,	[L. S.]	Holatohamia, his x mark,	[L. S.]
Capt. Red Bird, his x mark,	[L. S.]	Col. Boyer, his x mark,	[L. S.]
Capt. Jerry Carney, his x mark,	[L. S.]	Holantachanshahubbee,	
Chapanchahabbee, his x mark,	[L. S.]	his x mark,	[L. S.]
Tunnupnuia, his x mark,	[L. S.]	Chuckahabbee, his x mark,	[L. S.]
Ponhoopia, his x mark,	[L. S.]	Washaschahopia, his x mark,	[L. S.]
Chatamakala, his x mark,	[L. S.]	Alex. Hamilton,	[L. S.]
Hapeahoma, his x mark,	[L. S.]	Capt. Red Knife, his x mark,	[L. S.]
William Hay, his x mark,	[L. S.]	Shapahroma, his x mark,	[L. S.]
Captain Samuel Cobb,		Capt. Tonnanpoocha,	
his x mark,	[L. S.]	his x mark,	[L. S.]
Lewis Brashears, his x mark,	[L. S.]	Mechamabbee, his x mark,	[L. S.]
Muckelehamia, his x mark,	[L. S.]	Tuskanohamia, his x mark,	[L. S.]
Capt. Sam Magee, his x mark,	[L. S.]	Tookatubbetusea, his x mark,	[L. S.]
Ticbehamia, his x mark,	[L. S.]	William Frye, his x mark,	[L. S.]
Doctor Red Bird, his x mark,	[L. S.]	Greenwood Leflore, his x mark,	[L. S.]
Oontoola, his x mark,	[L. S.]	Archibald MaGee, his x mark,	[L. S.]
Pooshoushabbee, his x mark,	[L. S.]	Capt. Ben Burns, his x mark,	[L. S.]
Casania, his x mark,	[L. S.]	Tusconohicca, his x mark,	[L. S.]
Joseph Nelson, his x mark,	[L. S.]	Capt. Lewis Perry, his x mark,	[L. S.]
Unahubbee, his x mark,	[L. S.]	Henekachubbee, his x mark,	[L. S.]
Red Duck, his x mark,	[L. S.]	Tussashamia, his x mark,	[L. S.]
Muttahubbee, his x mark,	[L. S.]	Capt. Charles Durant,	
Capt. Ihokahatubbee,		his x mark,	[L. S.]
his x mark,	[L. S.]	Piare Durant, his x mark,	[L. S.]

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Witnesses present at sealing and signing:

Saml. R. Overton, secretary to the commission,
Eden Brashears,
J. C. Bronaugh, assistant surgeon-general, S. D., U.S. Army,
H. D. Downs,
Wm. F. Gangent,
Wm. M. Graham, first lieutenat, Corps of Artillery,
Andrew J. Donelson brevet second lieutenant Corps of Engineers and aid-de-camp to General Jackson,
P. A. Vandorn,
John H. Esty,
John Pitchlynn, United States interpreter,
M. Mackey, United States interpreter,
Edmund Falsome, interpreter, X,
James Hughes,
Geo. Fisher,
Jas. Jackson, jr.

TREATY WITH THE CHOCTAW, 1825.

Articles of a convention made between John C. Calhoun, Secretary of War, being specially authorized therefor by the President of the United States, and the undersigned Chiefs and Head Men of the Choctaw Nation of Indians, duly authorized and empowered by said Nation, at the City of Washington, on the twentieth day of January, in the year of our Lord one thousand eight hundred and twenty-five.

Whereas a Treaty of friendship, and limits, and accommodation, having been entered into a Doake's Stand, on the eighteenth of October, in the year one thousand eight hundred and twenty, between Andrew Jackson and Thomas Hinds, Commissioners on the part of the United States, and the Chiefs and Warriors of the Choctaw Nation of Indians; and whereas the second article of the Treaty aforesaid provides for a cession of lands, west of the Mississippi, to the Choctaw Nation, in part satisfaction for lands ceded by said Nation to the United States, according to the first article of said treaty: And whereas, it being ascertained that the cession aforesaid embraces a large number of settlers, citizens of the United States; and it being the desire of the President of the United States to obviate all difficulties resulting therefrom, and also, to adjust other matters in which both the United States and the Choctaw Nation are interested: the following articles have been agreed upon, and concluded, between John C. Calhoun, Secretary of War, specially authorized therefor by the President of the United States, on the one part, and the undersigned Delegates of the Choctaw Nation, on the other part:

ARTILCE 1. The Choctaw Nation do hereby cede to the United States all that portion of the land ceded to them by the second article of the Treaty of Doak Stand, as aforesaid, lying east of a line beginning on the Arkansas, one hundred paces east of Fort Smith, and running thence, due south, to Red river: it being understood that this line shall constitute, and remain, the permanent boundary between the United States and the Choctaws: and the United States agreeing to remove such citizens as may be settled on the west side, to the east side of said line, and prevent future settlements from being made on the west thereof.

ARTICLE 2. In consideration of the cession aforesaid, the United States do hereby agree to pay the said Choctaw Nation the sum of six thousand dollars, annually, forever; it being agreed that the said sum of six thousand dollars shall be annually applied, for the term of twenty years, under the direction of the President of the United States, to the support of schools in said nation, and extending to it the benefits of instruction in the mechanic and ordinary arts of life; when, at the expiration of twenty years, it is agreed that the said annuity may be vested in stocks, or otherwise disposed of, or continued, at the option of the Choctaw nation.

ARTICLE 3. The eighth article of the treaty aforesaid having provided that an appropriation of lands shall be made for the purpose of raising six thousand dollars a year for sixteen years, for the use of the Choctaw Nation; and it being desirable to avoid the delay and expense attending the survey and sale of said lan : the United States do hereby agree to pay the Choctaw Nation, in lieu thereof, the sum of six thousand dollars, annually, for sixteen years, to commence with the present year. And the United States further stipulate and agree to take immediate measures to survey and bring into market, and sell, the fifty-four sections of land set apart by the seventh article of the treaty aforesaid, and apply the proceeds in the manner provided by the said article.

ARTICLE 4. It is provided by the ninth section of the treaty aforesaid, that all those of the Choctaw Nation who have separate settlements, and fall within the limits of the land ceded by said Nation to the United States, and desire to remain where they now reside, shall be secured in a tract or parcel of land, one mile square, to include their improvements. It is, therefore, hereby agreed, that all who have reservations in conformity to said stipulation, shall have power, with the consent of the President of the United States, to sell and convey the same in fee simple. It is further agreed, on the part of the United States, that those Choctaws, not exceeding four in number, who applied for reservations, and received the recommendation of the Commissioners, as per annexed copy of said recommendation, shall have the privilege, and the right is hereby given to them, to select, each of them, a portion of land, not exceeding a mile square, any where within the limits of the cession of 1820, when the land is not occupied or disposed of by the United States: and the right to sell and convey the same, with the consent o the President, in fee simple, is hereby granted.

ARTICLE 5. There being a debt due by individuals of the Choctaw Nation to the late United States' trading house on the Tombigbee, the United States hereby agree to relinquish the same; the Delegation, on the part of their nation, agreeing to relinquish their claim upon the United States, to send a factor with goods to supply the wants of the Choctaws west of the Mississippi, as provided for by the sixth article of the treaty aforesaid.

ARTICLE 6. The Choctaw nation having a claim upon the United States, for services rendered in the Pensacola Campaign, and for which it is stipulated, in the eleventh article of the treaty aforesaid, that payment shall be made, but which has been delayed for want of the proper vouchers, which it has been found, as yet, impossible to obtain; the United States, to obviate the inconvenience of further delay, and to render justice to the Choctaw Warriors for their services in that campaign, do hereby agree upon an equitable settlement of the same, and fix the sum at fourteen thousand nine hundred and seventy-two dollars fifty cents; which, from the muster rolls, and other evidence in the possession of the Third Auditor, appears to be about the probable amount due, for the services aforesaid, and which sum shall be immediately paid to the Delegation, to be distributed by them to the Chiefs and Warriors of their nation, who served in the campaign aforesaid, as may appear to them to be just.

ARTICLE 7. It is further agreed, that the fourth article of the treaty aforesaid, shall be so modified, as that the Congress of the United States shall not exercise the power of apportioning the lands, for the benefit of each family, or individual, of the Choctaw Nation, and of bringing them under the laws of the United States, but with the consent of the Choctaw Nation.

ARTICLE 8. It appearing that the Choctaws have various claims against citizens of the United States, for spoliations of various kinds, but which they have not been able to support by the testimony of white men, as they were led to believe was necessary, the United States, in order to a final settlement of all such claims, do hereby agree to pay to the Choctaw Delegation, the sum of two thousand dollars, to be distributed by them in such way, among the claimants, as they may deem equitable. It being understood that this provision is not to affect such claims as may be properly authenticated, according to the provision of the act of 1802.

ARTICLE 9. It is further agreed that, immediately upon the Ratification of this Treaty, or as soon thereafter as may be, and agent shall be appointed for the Choctaws West of the Mississippi, and a Blacksmith be settled among them, in conformity with the stipulation contained in the sixth Article of the Treaty of 1820.

ARTICLE 10. The Chief Puck-she-nubbee, one of the members of the Delegation, having died on his journey to see the President, and Robert Cole being recommended by the Delegation as his successor, it is hereby agreed, that the said Robert Cole shall reserve the medal which appertains to the office of Chief, and also, an annuity from the United States, of one hundred and fifty dollars a year, during his natural life, as was received by his predecessor.

ARTICLE 11. The friendship heretofore existing between the United States and the Choctaw Nation, is hereby renewed and perpetuated.

ARTICLE 12. These articles shall take effect, and become obligatory on the contracting parties, so soon as the same shall be ratified by the President, by and with the advice and consent of the Senate of the United States.

In testimony whereof, the said John C. Calhoun, and said delegates of the Choctaw nation, have hereunto set their hands, at the city of Washington, the twentieth day of January, one thousand eight hundred and twenty-five.

J. C. Calhoun,
Mooshulatubbee, his x mark,
Robert Cole, his x mark,
Daniel McCurtain, his x mark,
Talking Warrior, his x mark,
Red Fort, his x mark,
Nittuckachee, his x mark,
David Folsom, his x mark,
J. L. McDonald.

In presence of—
Thos. L. McKenney,
Hezekiah Miller,
John Pitchlynn, United States interpreter.

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TREATY WITH THE CHOCTAW, 1830.

A treaty of perpetual friendship, cession and limits, entered into by John H. Eaton and John Coffee, for and in behalf of the Government of the United States, and the Mingoes, Chiefs, Captains and Warriors of the Choctaw Nation, begun and held at Dancing Rabbit Creek, on the fifteenth of September, in the year eighteen hundred and thirty.

Whereas the General Assembly of the State of Mississippi has extended the laws of said State to persons and property within the chartered limits of the same, and the President of the United States has said that he cannot protect the Choctaw people from the operation of these laws; Now therefore that the Choctaw may live under their own laws in peace with the United States and the State of Mississippi they have determined to sell their lands east of the Mississippi and have accordingly agreed to the following articles of treaty:

ARTICLE I. Perpetual peace and friendship is pledged and agreed upon by and between the United States and the Mingoes, Chiefs, and Warriors of the Choctaw Nation of Red People: and that this may be considered the Treaty existing between the parties all other Treaties heretofore existing and inconsistent with the provisions of this are hereby declared null and void.

ARTICLE II. The United States under a grant specially to be made by the President of the U.S. shall cause to be conveyed to the Choctaw Nation a tract of country west of the Mississippi River, in fee simple to them and their descendants, to inure to them while they shall exist as a nation and live on it, beginning near Fort Smith where the Arkansas boundary crosses the Arkansas River, running thence to the source of the Canadian fork; if in the limits of the United States, or to those limits; thence due south to Red River, and down Red River to the west boundary of the Territory of Arkansas: thence north along that line to the beginning. The boundary of the same to be agreeably to the Treaty made and concluded at Washington City in the year 1825. The grant to be executed so soon as the present Treaty shall be ratified.

ARTICLE III. In consideration of the provisions contained in the several articles of this Treaty, the Choctaw nation of Indians consent and hereby cede to the United States, the entire country they own and possess, east of the Mississippi River; and they agree to move beyond the Mississippi River, early as practicable, and will so arrange their removal, that as many as possible of their people not exceeding one half of the whole number, shall depart during the falls of 1831 and 1832; the residue to follow during the succeeding fall of 1833; a better opportunity in this manner will be afforded the Government, to extend to them the facilities and comforts which it is desirable should be extended in conveying them to their new homes.

ARTICLE IV. The Government and people of the United States are hereby obliged to secure to the said Choctaw Nation of Red People the jurisdiction and government of all the persons and property that may be within their limits west, so that no Territory or State shall ever have a right to pass laws for the government of the Choctaw Nation of Red People and their descendants; and that no part of the land granted them shall ever be embraced in any Territory or State: but the U.S. shall forever secure said Choctaw Nation from, and against, all laws except such as from time to time may be enacted in their own National Councils, not inconsistent with the Constitution, Treaties, and Laws of the United States: and except such as may, and which have been enacted by Congress, to the extent that Congress under the Constitution are required to exercise a legislation over Indian Affairs. But, the Choctaws, should this treaty be ratified, express a wish that Congress may grant to the Choctaws the right of punishing by their own laws, any white man who shall come into their nation, and infringe any of their national regulations.

ARTICLE V. The United States are obliged to protect the Choctaws from domestic strife and from foreign enemies on the same principles that the citizens of the United States are protected, so that whatever would be a legal demand upon the U.S. for defense or for wrongs committed by an enemy, on a citizen of the U.S. shall be equally binding in favor of the Choctaws, and in all cases where the Choctaws shall be called upon by a legally authorized officer of the U.S. to fight an enemy, such Choctaws shall receive the pay and other emoluments, which citizens of the U.S. receive in such cases, provided, no war shall be undertaken or prosecuted by said Choctaw Nation but by declaration made in full Council, and to be approved by the U.S. unless it be in self defence against an open rebellion or against an enemy marching into their country, in which cases they shall defend, until the U.S. are advised thereof.

ARTICLE VI. Should a Choctaw or any party of Choctaws commit acts of violence upon the person or property of a citizen of the U.S. or join any war party against any neighbouring tribe of Indians, without the authority in the preceeding article; and except to oppose an actual or threatened invasion or rebellion, such person so offending shall be delivered up to an officer of the U.S. if in the power of the Choctaw Nation, that such offender may be punished as may be provided in such cases, by the laws of the U.S.; but, if such offender is not within the control of the Choctaw Nation, then said Choctaw Nation shall not be held responsible for the injury done by said offender.

ARTICLE VII. All acts of violence committed upon persons and property of the people of the Choctaw Nation either by citizens of the U.S. or neighbouring Tribes of Red People, shall be referred to some authorized Agent by him to be referred to the President of the U.S. who shall examine into such cases and see that every possible degree of justice is done to said Indian party of the Choctaw Nation.

ARTICLE VIII. Offenders against the laws of the U.S. or any individual State shall be apprehended and delivered to any duly authorized person where such offender may be found in the Choctaw country, having fled from any part of U.S. but in all such cases application must be made to the Agent or Chiefs and the expense of his apprehension and delivery provided for and paid by the U. States.

ARTICLE IX. Any citizen of the U.S. who may be ordered from the Nation by the Agent and constituted authorities of the Nation and refusing to obey or return into the Nation without the consent of the aforesaid persons, shall be subject to such pains and penalties as may be provided by the laws of the U.S. in such cases. Citizens of the U.S. travelling peaceably under the authority of the laws of the U.S. shall be under the care and protection of the nation.

ARTICLE X. No person shall expose goods or other article for sale as a trader, without a written permit from the constituted authorities of the Nation, or authority of the laws of the Congress of the U.S. under penalty of forfeiting the Articles, and the constituted authorities of the Nation shall grant no license except to such persons as reside in the Nation and are answerable to the laws of the Nation. The U.S. shall be particularly obliged to assist to prevent ardent spirits from being introduced into the Nation.

ARTICLE XI. Navigable streams shall be free to the Choctaws who shall pay no higher toll or duty than citizens of the U.S. It is agreed further that the U.S. shall establish one or more Post Offices in said Nation, and may establish such military post roads, and posts, as they may consider necessary.

ARTICLE XII. All intruders shall be removed from the Choctaw Nation and kept without it. Private property to be always respected and on no occasion taken for public purposes without just compensation being made therefor to the rightful owner. If an Indian unlawfully take or steal any property from a white man a citizen of the U.S. the offender shall be punished. And if a white man unlawfully take or steal any thing from an Indian, the property shall be restored and the offender punished. It is further agreed that when a Choctaw shall be given up to be tried for any offence against the laws of the U.S. if unable to employ counsel to defend him, the U.S. will do it, that his trial may be fair and impartial.

ARTICLE XIII. It is consented that a qualified Agent shall be appointed for the Choctaws every four years, unless sooner removed by the President; and he shall be removed on petition of the constituted authorities of the Nation, the President being satisfied there is sufficient cause shown. The Agent shall fix his residence convenient to the great body of the people; and in the selection of an Agent immediately after the ratification of this Treaty, the wishes of the Choctaw Nation on the subject shall be entitled to great respect.

ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifiying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

ARTICLE XV. To each of the Chiefs in the Choctaw Nation (to wit) Greenwood Laflore, Nutackachie, and Mushulatubbe there is granted a reservation of four sections of land, two of which shall include and adjoin their present improvement, and the other two located where they please but on unoccupied unimproved lands, such sections shall be bounded by sectional lines, and with the consent of the President they may sell the same. Also to the three principal Chiefs and to their successors in office there shall be paid two hundred and fifty dollars annually while they shall continue in thier respective offices, except to Mushulatubbe, who as he has an annuity of one hundred and fifty dollars for life under a former treaty, shall receive only the additional sum of one hundred dollars, while he shall continue in office as Chief; and if in addition to this the Nation shall think proper to elect an additional principal Chief of the whole to superintend and govern upon republican principles he shall receive annually for his services five hundred dollars, which allowance to the Chiefs and their successors in office, shall continue for twenty years. At any time when in military ser-

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vice, and while in service by authority of the U.S. the district Chiefs under and by selection of the President shall be entitled to the pay of Majors: the other chief under the same circumstances shall have the pay of a Lieutenant Colonel. The Speakers of the three districts, shall receive twenty-five dollars a year for four years each; and the three secretaries one to each of the chiefs, fifty dollars each for four years. Each Captain of the Nation, the number not to exceed ninety nine, thirty-three from each district, shall be furnished upon removing to the West, with each a good suit of clothes and a broad sword as an outfit, and for four years commencing with the first of their removal, shall each receive fifty dollars a year, for the trouble of keeping their people at order in settling; and whenever they shall be in military service by authority of the U.S. shall receive the pay of a captain.

ARTICLE XVI. In wagons; and with steam boats as may be found necessary—the U.S. agree to remove the Indians to their new homes at their expense and under the care of discreet and careful persons, who will be kind and brotherly to them. They agree to furnish them with ample corn and beef, or pork for themselves and families for twelve months after reaching their new homes.

It is agreed further that the U.S. will take all their cattle, at the valuation of some discreet person to be appointed by the President, and the same shall be paid for in money after their arrival at their new homes; or other cattle such as may be desired shall be furnished them, notice being given through their Agent of their wishes upon this subject before thier removal that time to supply the demand may be afforded.

ARTICLE XVII. The several annuities and sums secured under former Treaties to the Choctaw nation and people shall continue as though this Treaty had never been made.

And it is further agreed that the U.S. in addition will pay the sum of twenty thousand dollars for twenty years, commencing after their removal to the west, of which, in the first year after their removal, ten thousand dollars shall be divided and arranged to such as may not receive reservations under this Treaty.

ART. XVIII. The U.S. shall cause the lands hereby ceded to be surveyed; and surveyors may enter the Choctaw Country for that purpose, conducting themselves properly and disturbing or interrupting none of the Choctaw people. But no person is to be permitted to settle within the nation, or the lands to be sold before the Choctaws shall remove. And for the payment of the several amounts secured in this Treaty, the lands hereby ceded are to remain a fund pledged to that purpose, until the debt shall be provided for and arranged. And further it is agreed, that in the construction of this Treaty wherever well founded doubt shall arise, it shall be construed most favorable towards the Choctaws.

ARTICLE XIX. The following reservations of land are hereby admitted. To Colonel David Fulsom four sections of which two shall include his present improvement, and two may be located elsewhere, on unoccupied, unimproved land.

To I. Garland, Colonel Robert Cole, Tuppanahomer, John Pytchlynn, Charles Juzan, Johokebetubbe, Eaychahobia, Ofehoma, two sections, each to include their improvements, and to be bounded by sectional lines, and the same may be disposed of and sold with the consent of the President. And that others not provided for, may be provided for, there shall be reserved as follows.

First. One section to each head of a family not exceeding Forty in number, who during the present year, may have had in actual cultivation, with a dwelling house thereon fifty acres or more. Secondly, three quarter sections after the manner aforesaid to each head of a family not exceeding four hundred and sixty, as shall have cultivated thirty acres and less than fifty, to be bounded by quarter section lines of survey, and to be contiguous and adjoining.

Third: One half section as aforesaid to those who shall have cultivated from twenty to thirty acres the number not to exceed four hundred. Fourth: a quarter section as aforesaid to such as shall have cultivated from twelve to twenty acres, the number not to exceed three hundred and fifty, and one half that quantity to such as shall have cultivated from two to twelve acres, the number also not to exceed three hundred and fifty persons. Each of said class of cases shall be subject to the limitations contained in the first class, and shall be so located as to include that part of the improvement which contains the dwelling house. If a greater number shall be found to be entitled to reservations under the several classes of this article, than is stipulated for under the limitation prescribed, then and in that case the Chiefs separately or together shall determine the persons who shall be excluded in the respective districts.

Fifth: Any Captain the number not exceeding ninety persons, who under the provisions of this article shall receive less than a section, he shall be entitled, to an additional quantity of half a section adjoining to his other reservation. The several reservations secured under this article, may be sold with the consent of the President of the U.S. but should any prefer it, or omit to take a reservation for the quantity he may be entitled to, the U.S. will on his removing pay fifty cents an acre, after reaching their new homes, provided that before the first of January next they shall adduce to the Agent, or some other authorized person to be appointed, proof of his claim and the quanitity of it. Sixth: Likewise children of the Choctaw Nation residing in the Nation, who have neither father nor mother a list of which, with satisfactory proof of Parentage and orphanage being filed with Agent in six months to be forwarded to the War Department, shall be entitled to a quarter section of Land, to be located under the direction of the President, and with his consent the same may be sold and the proceeds applied to some beneficial purpose for the benefit of said orphans.

ARTICLE XX. The U.S. agree and stipulate as follows, that for the benefit and advantage of the Choctaw people, and to improve their condition, their shall be educated under the direction of the President and at the expense of the U.S. forty Choctaw youths for twenty years. This number shall be kept at school, and as they finish their education others, to supply their place shall be received for the period stated. The U.S. agree also to erect a Council House for the Nation at some convenient central point, after their people shall be settled; and a House for each Chief, also a Church for each of the three Districts, to be used also as school houses, until the Nation may conclude to build others; and for these purposes ten thousand dollars shall be appropriated; also fifty thousand dollars (viz.) twenty-five hundred dollars annually shall be given for the support of three teachers of schools for twenty years. Likewise there shall be furnished to the Nation, three Blacksmiths one for each district for sixteen years, and a qualified Mill Wright for five years. Also there shall be furnished the following articles, twenty one hundred blankets, to each warrior who emigrates a rifle, moulds, wipers and ammunition. One thousand axes, ploughs, hoes, wheels and cards each, and four hundred looms. There shall also be furnished, one ton of iron and two hundred weight of steel annually to each District for sixteen years.

ARTICLE XXI. A few Choctaw Warriors yet survive who marched and fought in the army with General Wayne, the whole number stated not to exceed twenty.

These it is agreed shall hereafter, while they live, receive twenty-five dollars a year; a list of them to be early as practicable, and within six months, made out, and presented to the Agent, to be forwarded to the War Department.

ARTICLE XXII. The Chiefs of the Choctaws who have suggested that their people are in a state of rapid advancement in education and refinement, and have expressed a solicitude that they might have the privilege of a Delegate on the floor of the House of Representatives extended to them. The Commissioners do not feel that they can under a treaty stipulation accede to the request, but at their desire, present it in the Treaty, that Congress may consider of, and decide the application.

Done, and signed, and executed by the commissioners of the United States, and the chiefs, captains, and head men of the Choctaw nation, at Dancing Rabbit creek, this 27th day of September, eighteen and thrity.

Jno. H. Eaton,	[L. S.]	Yobalarunehahubbee, his x mark	[L. S.]
Jno. Coffee,	[L. S.]	Holubbee, his x mark,	[L. S.]
Greenwood Leflore,	[L. S.]	Robert Cole, his x mark,	[L. S.]
Musholatubbee, his x mark,	[L. S.]	Mokolareharhopin, his x mark,	[L. S.]
Nittucachee, his x mark,	[L. S.]	Artonamarstubbe, his x mark,	[L. S.]
Holarterhoomah, his x mark,	[L. S.]	Lewis Perry, his x mark,	[L. S.]
Hopiaunchahubbee, his x mark,	[L. S.]	Hopeatubbee, his x mark,	[L. S.]
Zishomingo, his x mark,	[L. S.]	Hoshahoomah, his x mark,	[L. S.]
Captainthalke, his x mark,	[L. S.]	Chuallahoomah, his x mark,	[L. S.]
James Shield, his x mark,	[L. S.]	Joseph Kincaide, his x mark,	[L. S.]
Pistiyubbee, his x mark,	[L. S.]	Eyarhocuttubbee, his x mark,	[L. S.]
Hopiamtushker, his x mark,	[L. S.]	Hiram King, his x mark,	[L. S.]
Aryoshkermer, his x mark,	[L. S.]	Ogla Enlah, his x mark,	[L. S.]
Shemotar, his x mark,	[L. S.]	Nuttlahtubbee, his x mark,	[L. S.]
Hopiaisketina, his x mark,	[L. S.]	Tuska Hollaituh, his x mark,	[L. S.]
Thomas Lefore, his x mark,	[L. S.]	Kothoantchahubbee, his x mark,	[L. S.]
Amokechatubbee, his x mark,	[L. S.]	Evarpulubbee, his x mark,	[L. S.]
Shokoperlukna, his x mark,	[L. S.]	Okentahubbe, his x mark,	[L. S.]
Posherhoomah, his x mark,	[L. S.]	Living War Club, his x mark,	[L. S.]
Robert Folsom, his x mark,	[L. S.]	John Jones, his x mark,	[L. S.]
Arharyotubbee, his x mark,	[L. S.]	Charles Jones, his x mark,	[L. S.]
Kushonolarter, his x mark,	[L. S.]	Isaac Jones, his x mark,	[L. S.]
James Vaughan, his x mark,	[L. S.]	Hocklucha, his x mark,	[L. S.]
Phiplip, his x mark,	[L. S.]	Muscogee, his x mark,	[L. S.]
Meshameye, his x mark,	[L. S.]	Eden Nelson, his x mark,	[L. S.]
Ishteheka, his x mark,	[L. S.]	Heshohomme, his x mark,	[L. S.]
Iyacherhopia, his x mark,	[L. S.]	John McKolbery, his x mark,	[L. S.]
Offahoomah, his x mark,	[L. S.]	Benjm. James, his x mark,	[L. S.]
Archalater, his x mark,	[L. S.]	Tikbachahambe, his x mark,	[L. S.]
Onnahubbee, his x mark,	[L. S.]	Aholiktube, his x mark,	[L. S.]
Pisinhocuttubbee, his x mark,	[L. S.]	Walking Wolf, his x mark,	[L. S.]
Tullarhacher, his x mark,	[L. S.]	John Waide, his x mark,	[L. S.]
Little leader, his x mark,	[L. S.]	Big Axe, his x mark,	[L. S.]
Maanhutter, his x mark,	[L. S.]	Bob, his x mark,	[L. S.]
Cowehoomah, his x mark,	[L. S.]	Tushkochaubbee, his x mark,	[L. S.]
Tillamoer, his x mark,	[L. S.]	Ittabe, his x mark,	[L. S.]
Imnullacha, his x mark,	[L. S.]	Tishowakayo, his x mark,	[L. S.]
Artoplachubbee, his x mark,	[L. S.]	Folehommo, his x mark,	[L. S.]
Shupherunchahubbee, his x mark,	[L. S.]	John Garland, his x mark,	[L. S.]
Nitterhoomah, his x mark,	[L. S.]	Koshona, his x mark,	[L. S.]
Oaklaryubbee, his x mark,	[L. S.]	Ishleyohamube, his x mark,	[L. S.]
Pukumna, his x mark,	[L. S.]	Jacob Folsom,	[L. S.]
		William Foster,	[L. S.]

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Arpaplar, his x mark, [L. S.]
Holber, his x mark, [L. S.]
Hopermingo, his x mark, [L. S.]
Isperhoomah, his x mark, [L. S.]
Tieberhoomah, his x mark, [L. S.]
Tishoholarter, his x mark, [L. S.]
Mahayarchubbee, his x mark, [L. S.]
Artooklubbetushpar, his x mark, [L. S.]
Metubbee, his x mark, [L. S.]
Arsarkatubbee, his x mark, [L. S.]
Issaterhoomah, his x mark, [L. S.]
Chohtahumatahah, his x mark, [L. S.]
Tunnuppashubbee, his x mark, [L. S.]
Okocharyer, his x mark, [L. S.]
Hoshhopia, his x mark, [L. S.]
Warsharshahopia, his x mark, [L. S.]
Maarashunchahubbee, his x mark, [L. S.]
Misharyubbee, his x mark, [L. S.]
Daniel McCurtain, his x mark, [L. S.]
Tushkerharcho, his x mark, [L. S.]
Hoktoontubbee, his x mark, [L. S.]
Nuknacrahookmarhee, his x mark, [L. S.]
Mingo hoomah, his x mark, [L. S.]
James Karnes, his x mark, [L. S.]
Tishohakubbee, his x mark, [L. S.]
Narlanalar, his x mark, [L. S.]
Pennasha, his x mark, [L. S.]
Inharyarker, his x mark, [L. S.]
Moftubbee, his x mark, [L. S.]
Narharyubbee, his x mark, [L. S.]
Ishmaryubbee, his x mark, [L. S.]
James McKing, [L. S.]
Lewis Wilson, his x mark, [L. S.]
Istonarkerharcho, his x mark, [L. S.]
Hohsnshamartarher, his x mark, [L. S.]
Kinsulachubbee, his x mark, [L. S.]
Emarhinstubbee, his x mark, [L. S.]
Gysaindaira, bm, his x mark, [L. S.]
Thomas Wall, [L. S.]
Sam S. Worcester, [L. S.]
Arlartar, his x mark, [L. S.]
Nittahubbee, his x mark, [L. S.]
Tishonouan, his x mark, [L. S.]
Warsharchhoomah, his x mark, [L. S.]
Isaac James, his x mark, [L. S.]

In presence of—

E. Breathitt, secretary to the Commission,
William Ward, agent for Choctaws,
John Pitchlyn, United States interpreter,
M. Mackey, United States interpreter,
Geo. S. Gaines, of Alabama,
R. P. Currin,
Luke Howard,
Sam S. Worcester,
Jno. N. Byrn,
John Bell,
Jno. Bond.

Ontioerharcho, his x mark, [L. S.]
Hugh A. Foster, [L. S.]
Pierre Juzan, [L. S.]
Jno. Pitchlynn, jr., [L. S.]
David Folsom, [L. S.]
Sholohommastubbe, his x mark, [L. S.]
Tesho, his x mark, [L. S.]
Lauwechubee, his x mark, [L. S.]
Hoshehammo, his x mark, [L. S.]
Ofenowo, his x mark, [L. S.]
Ahekoche, his x mark, [L. S.]
Kaloshoube, his x mark, [L. S.]
Atoko, his x mark, [L. S.]
Ishtemeleche, his x mark, [L. S.]
Enthhotohabe, his x mark, [L. S.]
Silas D. Fisher, his x mark, [L. S.]
Isaac Folsom, his x mark, [L. S.]
Hekatube, his x mark, [L. S.]
Hakseche, his x mark, [L. S.]
Jerry Carney, his x mark, [L. S.]
John Washington, his x mark, [L. S.]
Panshastubbee, his x mark, [L. S.]
P. P. Pitchlynn, his x mark, [L. S.]
Joel H. Nail, his x mark, [L. S.]
Hopia Stonakey, his x mark, [L. S.]
Kocohomma, his x mark, [L. S.]
William Wade, his x mark, [L. S.]
Panshstickubbee, his x mark, [L. S.]
Holittankchahubbee, his x mark, [L. S.]
Oklanowa, his x mark, [L. S.]
Neto, his x mark, [L. S.]
James Fletcher, his x mark, [L. S.]
Silas D. Pitchlynn, [L. S.]
William Trahorn, his x mark, [L. S.]
Toshkahemmitto, his x mark, [L. S.]
Tethtayo, his x mark, [L. S.]
Emokloshahopie, his x mark, [L. S.]
Tishhomita, his x mark, [L. S.]
Thomas W. Foster, his x mark, [L. S.]
Zadoe Brashears, his x mark, [L. S.]
Levi Perkins, his x mark, [L. S.]
Isaac Perry, his x mark, [L. S.]
Ishlonocka Hoomah, his x mark, [L. S.]

SUPPLEMENTARY ARTICLES TO THE PRECEDING TREATY.

Various Choctaw persons have been presented by the Chiefs of the nation, with a desire that they might be provided for. Being particularly deserving, an earnestness has been manifested that provision might be made for them. It is therefore by the undersigned commissioners here assented to, with the understanding that they are to have no interest in the reservations which are directed and provided for under the general Treaty to which this is a supplement.

As evidence of the liberal and kind feelings of the President and Government of the United States the Commissioners agree to the request as follows, (to wit) Pierre Juzan, Peter Pitchlynn, G. W. Harkins, Jack Pitchlynn, Israel Fulsom, Louis Laflore, Benjamin James, Joel H. Nail, Hopoynjahubbee, Onorkubbee, Benjamin Laflore, Michael Laflore and Allen Yates and wife shall be entitled to a reservation of two sections of land each to include thier improvement where they at present reside, with the exception of the three first named persons and Benjamin Laflore, who are authorized to locate one of their sections on any other unimproved and unoccupied land, within their respective districts.

ARTICLE II. And to each of the following persons there is allowed a reservation of a section and a half of land, (to wit) James L. McDonald, Robert Jones, Noah Wall, James Campbell, G. Nelson, Vaughn Brashears, R. Harris, Little Leader, S. Foster, J. Vaughn, L. Durans, Samuel Long, T. Magagha, Thos. Everge, Giles Thompson, Tomas Garland, John Bond, William Laflore, and Turner Brashears, the two first named persons, may locate one section each, and one section jointly on any unimproved and unoccupied land, these not residing in the Nation; The others are to include their present residence and improvement.

Also one section is allowed to the following persons (to wit) Middleton Mackey, Wesley Train, Choclehomo, Moses Foster, D. W. Wall, Charles Scott, Molly Nail, Susan Colbert, who was formerly Susan James, Samuel Garland, Silas Fisher, D. McCurtain, Oaklahoma, and Polly Fillecuthey, to be located in entire sections to include thier present residence and improvement, with the exception of Molly Nail and Susan Colbert, who are authorized to locate theirs, on any unimproved unoccupied land.

John Pitchlynn has long and faithfully served the nation in character of U. States Interpreter, he has acted as such for fourty years, in consideration it is agreed, in addition to what has been done for him there shall be granted to two of his children, (to wit) Silas Pitchlynn, and Thomas Pitchlynn one section of land each, to adjoin the location of their father; likewise to James Madison and Peter sons of Mushulatubbee one section of land each to include the old house and improvement where their father formerly lived on the old military road adjoining a large Prairie.

And to Henry Groves son of the chief Natticache there is one section of land given to adjoin his father's land.

And to each of the following persons half a section of land is granted on any unoccupied and unimproved lands in the Districts where they respectively live (to wit) Willis Harkins, James D. Hamilton, William Juzan, Tobias Laflore, Jo Doke, Jacob Fulsom, P. Hays, Samuel Worcester, George Hunter, William Train, Robert Nail and Alexander McKee.

And there is given a quarter section of land each to Delila and her five fatherless children, she being a Choctaw woman residing out of the nation; also the same quantity to Peggy Trihan, another Indian woman residing out of the nation and her two fatherless children, and to the widows of Pushmilaha, and Pucktshenubbee, who were formerly distinguished Chiefs of the nation and for their children four quarter sections of land, each in trust for themselves and their children.

All of said last mentioned reservations are to be located under and by direction of the President of the U. States.

ARTICLE III. The Choctaw people now that they have ceded their lands are solicitous to get to their new homes early as possible and accordingly they wish that a party may be permitted to proceed this fall to ascertain whereabouts will be most advantageous for their people to be located.

It is therefore agreed that three or four persons (from each of the three districts) under the guidance of some discreet and well qualified person or persons may proceed during this fall to the West upon an examination of the country.

For their time and expenses the U. States agree to allow the said twelve persons two dollars a day each, not to exceed one hundred days, which is deemed to be ample time to make an examination.

If necessary, pilots acquainted with the country will be furnished when they arrive in the West.

ARTICLE IV. John Donly of Alabama who has several Choctaw grand children, and who for twenty years has carried the mail through the Choctaw Nation, a desire by the Chiefs is expressed that he may have a section of land, it is accordingly granted, to be located in one entire section, on any unimproved and unoccupied land.

Allen Glover and George S. Gaines licensed Traders in the Choctaw Nation, have accounts amounting to upwards of nine thousand dollars against the Indians who are unable to pay their said debts without distressing their families, a desire is expressed by the chiefs that two sections of land be set apart to be sold and the proceeds thereof to be applied toward the payment of the aforesaid debts. It is agreed that two sections of any unimproved and unoccupied land be granted to George S. Gaines who will sell the same for the best price he can obtain and apply the proceeds thereof to the credit of the Indians on their accounts due to the before mentioned Glover and Gaines, and shall make the application to the poorest Indian first.

At the earnest and particular request of the Chief Greenwood Laflore there is granted to David Haley one half section of land to be located in a half section on any unoccupied and unimproved land as a compensation, for a journey to Washington City with dispatches to the Government and returning others to the Choctaw Nation.

The foregoing is entered into, as supplemental to the treaty concluded yesterday.

Done at Dancing Rabbit creek the 28th day of September, 1830.

Jno. H. Eaton, [L. S.]
Jno. Coffee, [L. S.]
Greenwood Leflore, [L. S.]
Nithucachee, his x mark, [L. S.]
Mushulatubbee, his x mark, [L. S.]
Offahoomah, his x mark, [L. S.]
Eyarhoeuftubbee, his x mark, [L. S.]
Iyaeherhopa, his x mark, [L. S.]
Holubbee, his x mark, [L. S.]
Onarhubbee, his x mark, [L. S.]
Robert Cole, his x mark, [L. S.]
Hopaunechahubbee, his x mark, [L. S.]
David Folsom, [L. S.]
John Garland, his x mark, [L. S.]
Hopahoomah, his x mark, [L. S.]
Captain Thalko, his x mark, [L. S.]
Pierre Juzan, [L. S.]
Immarstarher, his x mark, [L. S.]
Hoshmhamartar, his x mark, [L. S.]

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APPENDIX 2

REVISED CONSTITUTION AND BYLAWS OF THE MISSISSIPPI BAND OF CHOCTAW INDIANS

PREAMBLE

We, the Choctaw Indians, members of the Mississippi Band of Choctaw Indians, desiring to promote the achievement of self government for the Choctaw people do, for our welfare and benefit, hereby adopt and proclaim the following constitution and bylaws.

ARTICLE I — NAME

The name of this organization shall be the Mississippi Band of Choctaw Indians, and may hereinafter be referred to as "the tribe."

ARTICLE II — JURISDICTION

The jurisdiction of the Mississippi Band of Choctaw Indians shall extend to all lands now held or which may hereafter be acquired by or for or which may be used under proper authority by the Mississippi Band of Choctaw Indians, and to all persons who are now or may hereafter become members of the Mississippi Band of Choctaw Indians.

ARTICLE III — MEMBERSHIP

Sec. 1. The membership of the Mississippi Band of Choctaw Indians shall consist of:

(a) All Choctaw Indians of one half (½) or more Choctaw blood, resident in Mississippi, January 1, 1940, as shown by the census roll maintained by the Bureau of Indian Affairs at the Choctaw Agency, provided that the tribal council shall have the power to revise said rolls, with the approval of the Secretary of the Interior at any time.

(b) Any child of one half (½) or more Choctaw blood born to any enrolled member of the band after January 1, 1940, shall be entitled to membership.

Sec. 2. The tribal council shall have the power to pass ordinances, subject to the approval of the Secretary of the Interior, governing future membership, loss of membership, and the adoption of new members, provided that no person of less than one half degree of Choctaw blood shall be admitted to membership in the Mississippi Band of Choctaw Indians.

ARTICLE IV — GOVERNING BODY

Sec. 1. The Mississippi Band of Choctaw Indians shall be governed by a tribal council and a tribal chief, whose powers are enumerated in Articles VIII and IX herein.

Sec. 2. The tribal council shall consist of elected representatives from the seven (7) recognized Choctaw communities. Each community shall be entitled to representation on the tribal council according to population as is hereinafter provided:

Bogue Chitto Community	3
Conehatta Community	3
Pearl River Community	3
Red Water Community	2
Standing Pine Community	2
Tucker Community	2
Bogue Homa Community	1

Sec. 3. The tribal chief shall be elected by the Choctaw people at large with each registered voter entitled to one vote.

Sec. 4. The tribal council shall have authority to make changes in the number of representatives from each community according to future community needs, community population changes or applicable Federal law, subject to the approval of the Secretary of the Interior.

Sec. 5. In order to qualify for and seek election to a seat on the tribal council, a person must:

(a) be an enrolled member of the tribe.
(b) claim residence by registration in the community which he intends to represent.
(c) be at least 21 years of age.

Sec. 6. In order to qualify for and seek election to the office of tribal chief, a person must:

(a) be an enrolled member of the tribe.
(b) be at least 30 years of age prior to the date of election.

ARTICLE V — ELECTIONS

Sec. 1. Any member of the Mississippi Band of Choctaw Indians, whether male or female, who is eighteen (18) years of age or more and registered according to rules set forth by the tribal council, shall be entitled to vote in any tribal election.

Sec. 2. The tribal council shall prescribe rules and regulations to govern the conduct of tribal elections consistent with this constitution and bylaws. All elections shall be by secret ballot.

Sec. 3. The first regular election under this revised constitution and bylaws shall take place in June 1975. Subsequent thereto, regular elections shall be held in June of odd numbered years. The present tribal council representatives shall remain in office until their successors are duly elected and seated.

Sec. 4. In all tribal council elections, the person receiving the largest number of votes for a given position shall be declared elected.

Sec. 5. For the election of the tribal chief, the person receiving a majority of the total votes cast for all candidates shall be declared the tribal chief. In the event that no person receives a majority of the total votes cast, the two candidates receiving the highest number of votes shall be paired in a run off election. This run off election shall be held within thirty (30) days of the initial election. Of these two candidates, the one who receives a majority of the total votes case in the run off election shall be declared the tribal chief.

Sec. 6. The term of office for members of the tribal council shall be four (4) years and until their successors are duly elected and seated, consistent with Sec. 7 below.

Sec. 7. In the regular tribal council election of June, 1975, eight (8) council representatives shall be elected for four (4) year terms and eight (8) council representatives shall be elected for two (2) year terms, to wit:

For the June, 1975, tribal election, the candidate receiving the most votes in each community will be elected to serve for a 4 year term, with the other candidate(s), being elected to serve a 2 year term. This provision does not apply to the Red Water and Bogue Homa Communities.

Beginning with the regular tribal council election of June, 1977, and continuing thereafter, all council representatives shall be elected for four (4) year terms.

Sec. 8. Newly elected members of the tribal council shall take office at the first regular meeting of the council following their election.

Sec. 9. The term of office for the tribal chief shall be four (4) years and until a successor has been elected and seated.

Sec. 10. At the first regular meeting following each election, the tribal council shall elect, from among the membership of the council, a vice chief and a secretary treasurer with such powers and duties as hereinafter enumerated. These officials shall serve for two (2) years or until their successors are elected and seated.

	4 Year Terms	2 Year Terms
Bogue Chitto Community	1	2
Conehatta Community	1	2
Pearl River Community	1	2
Red Water Community	2	0
Standing Pine Community	1	1
Tucker Community	1	1
Bogue Homa Community	1	0

ARTICLE VI — VACANCIES AND REMOVAL FROM OFFICE

Sec. 1. If a vacancy occurs in the membership of the tribal council and less than one (1) year remains of the term of the member who has vacated his position, the tribal chief shall appoint a successor to such member, who shall serve until his successor is duly elected and seated at the next regular election. The appointee shall claim residence in and represent the same community as did the member who vacated his position.

Sec. 2. If a vacancy occurs in the membership of the tribal council and more than one (1) year remains of the term of the member who has vacated his position, the tribal chief shall, within sixty (60) days, cause to be held a special election in the community entitled to representation for the purpose of filling the vacancy.

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Sec. 3. If a vacancy occurs in the office of tribal chief and less than one (1) year remains of his term of office, the office shall automatically be filled by the vice-chief of the tribal council.

Sec. 4. If a vacancy occurs in the office of tribal chief and more than one (1) year remains of his term of office, the tribal council shall, within sixty (60) days, cause to be held a special election in which all qualified voters of the tribe may participate for the purpose of filling vacancy. The tribal vice-chief shall serve as tribal chief during the period of such vacancy until a new tribal chief is elected and seated.

Sec. 5. If a vacancy occurs in the office of vice-chief or of the secretary-treasurer of the tribal council, such a vacancy may be filled by the council by election of one of its members to the office.

Sec. 6. Any member of the tribal government (including the tribal chief and members of the tribal council) or any employee of the Mississippi Band of Choctaw Indians, who, during the term for which he is elected or appointed, is convicted of a felony shall be subject to removal from his office by action of the tribal council.

Sec. 7. Any of the seven (7) recognized Choctaw communities represented on the tribal council may petition for the recall of a member it has elected by presenting, at least six months prior to the expiration of such member's term of office, a petition signed by at least forty percent (40%) of the eligible voters in that community. Within sixty (60) days the tribal council shall cause to be held a special election on the question of recall. No council member shall be recalled except by the affirmative vote of a majority of those voting in an election in which at least seventy-five percent (75%) of the persons eligible to vote shall have voted. Should the recall be approved by the voters, Article VI, Sections 1 and 2, above, shall apply.

Sec. 8. The tribal council may remove council officers from office for cause by two thirds (2/3) vote of the council members at a meeting at which a quorum is present, but can neither terminate nor affect their status as council members through such action. The tribal council shall prescribe the methods by which this removal from office may be carried out.

Sec. 9. The tribal chief may be removed from office if, at least six months prior to the expiration of his term, a petition bearing the signatures of at least forty percent (40%) of the registered voters in the tribe is presented to the tribal council. Within sixty (60) days of such presentation, the tribal council shall cause to be held a special election on the question of recall. If a majority of those voting vote for recall, provisions of Article VI, Section 1 and 2, shall apply, provided that at least seventy-five percent (75%) of the eligible voters in the tribe shall have voted.

ARTICLE VII — COMMUNITY ORGANIZATIONS

The enrolled members of the seven (7) Choctaw communities shall have the right to form local community organizations and adopt their own rules and regulations in harmony with this constitution and bylaws. It shall be the duty of the councilman from each community to report regularly all the actions and decisions of the tribal council to the community organizations.

ARTICLE VIII — POWERS AND DUTIES OF THE TRIBAL COUNCIL

Sec. 1. The legislative power of the Mississippi Band of Choctaw Indians is vested in the tribal council and shall be exercised in accordance with this constitution and bylaws and the Constitution and Laws of the United States applicable to Indian tribes. In addition to exercising any other lawful legislative power of the Mississippi Band of Choctaw Indians, the tribal council is empowered:

(a) To negotiate with and to approve or disapprove contracts or agreements with Federal, State, or local governments, with private persons, or with corporate bodies.

(b) To approve or disapprove any sale, disposition, lease or encumbrance of tribal lands, interests in land, tribal funds, or other tribal assets.

(c) To establish procedures for the conduct of all tribal government and business operations, including the regulation of conflict of interest and nepotism.

(d) To advise the Secretary of the Interior with regard to all appropriation estimates of Federal projects for the benefit of the Mississippi Band of Choctaw Indians prior to the submission of such estimates to the Office of Management and Budget and to Congress.

(e) To employ and pay legal counsel, subject to the approval of the Secretary of the Interior so long as such approval is required by Federal law.

(f) To appropriate available tribal funds for the benefit of the tribe or of any of its communities.

(g) To approve or disapprove operating budgets upon submission by the tribal chief.

(h) To approve or disapprove all allocations or disbursement of tribal funds (or funds under the control of the tribe) not specifically appropriated or authorized in a budget approved by the tribal council.

(i) To establish and enforce rules, consistent with applicable Federal statutes and the regulations of the Secretary of the Interior, for the management of tribal lands, including, but not limited to, the making and revocation of assignments, and the disposition of timber, oil, and mineral resources.

(j) To create, or to provide by ordinance for the creation of organizations, including public and private corporations, for any lawful purpose, which may be non-profit or profit-making, and to regulate the activities of such organizations by ordinance.

(k) To promote and protect the health, peace, morals, education, and general welfare of the tribe and its members.

(l) To borrow money from any source whatsoever without limit as to amount, and on such terms and conditions and for such consideration and periods of time as the tribal council shall determine; to use all funds thus obtained to promote the welfare and betterment of the tribe and of its members; to finance tribal enterprises; or to lend money thus borrowed.

(m) To establish and enforce ordinances governing the conduct of tribal members; providing for the maintenance of law, order, and the administration of justice; regulating wholesale, retail, commercial, or industrial activities on tribal lands; establishing a tribal court; and defining the powers and duties of that court; subject to the approval of the Secretary of the Interior where such approval is required by Federal law.

(n) To establish a basic departmental structure for the tribal government executive branch.

(o) To establish policies relating to tribal economic affairs and enterprises in accordance with this constitution and bylaws.

(p) To pass any ordinances and resolutions necessary or incidental to the exercise of any of the foregoing powers and duties.

(q) To do such acts of a governmental and public nature as are not prohibited by applicable laws or by this constitution and bylaws.

(r) To levy and collect taxes and raise revenue to meet the needs of the tribe or to support tribal government operations.

ARTICLE IX — POWERS AND DUTIES OF THE CHIEF

Sec. 1. The tribal chief of the Mississippi Band of Choctaw Indians shall have the following executive powers and duties subject to any limitation imposed by the statutes or the Constitution of the United States or by this constitution and bylaws:

(a) To serve as the principal executive officer of the tribe and as head of the executive branch of the tribal government.

(b) To carry out policies established by the tribal council.

(c) To negotiate contracts or agreements with Federal, State, or local governments, private persons, or corporate bodies and to submit them to the tribal council for approval.

(d) To manage, administer and direct the operation of tribal programs, activities, and services and to report to the tribal council the status of each program at least annually.

(e) To prepare budgets, budget estimates, and financial reports for submission to or at the direction of the tribal council.

(f) To provide for the proper receipt, deposit, disbursement, and accounting of all funds (or funds under control of the tribe) consistent with this constitution and bylaws and such policies as may be established by the tribal council.

(g) To provide for the protection and maintenance of the property, equipment, and official records of the tribe.

(h) To provide for enforcement of the rules, regulations, and ordinances enacted by the tribal council.

(i) To preside over the meetings of the tribal council and to vote only in case of a tie.

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(j) To exercise such additional executive powers as are necessary or incidental to the performance of the powers and duties enumerated above, and which are neither specifically denied to the tribal chief herein.

ARTICLE X — RIGHTS OF INDIANS

Sec. 1. The Mississippi Band of Choctaw Indians, in exercising powers of self-government shall not:

(a) Make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or of the right of the people peaceably to assemble and to petition for a redress of grievances.

(b) Violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizure, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized.

(c) Subject any person for the same offense to be twice put in jeopardy.

(d) Compel any person in any criminal case to be a witness against himself.

(e) Take any private property for a public use without just compensation.

(f) Deny to any person in criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and, at his own expense, to have the assistance of counsel for his defense.

(g) Require excessive bail, impose excessive fines, inflict cruel and unusual punishment, and in no event impose for conviction of any one offense any penalty or punishment greater than imprisonment for a term of six months or a fine of $500, or both.

(h) Deny to any persons within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law.

(i) Pass any bill of attainder or ex post facto law.

(j) Deny to any person accused of an offense punishable by imprisonment, the right, upon request, to a trial by jury of not less than six persons.

Sec. 2. The privilege of the writ of habeas corpus shall be available to any person, in a court of the United States, to test the legality of his detention by order of the tribal court.

ARTICLE XI — INITIATIVE AND REFERENDUM

Sec. 1. The members of the tribe reserve to themselves the power to propose ordinances and resolutions and to enact or reject the same at the polls independent of the tribal council, but subject to approval of the Secretary of the Interior as required by this constitution and bylaws. The members of the tribe also reserve power at their own option to approve or reject at the polls any act of the tribal council.

Sec. 2. The first power reserved by the members of the tribe is the initiative. Thirty percent (30%) of the registered voters shall have the right by petition to propose amendments to this constitution and bylaws and to propose ordinances and resolutions.

The second power is the referendum which shall be ordered upon a petition signed by thirty percent (30%) of the registered voters.

Sec. 3. Upon receipt of a request for an election in the form of an initiative or referendum petition, the tribal chief shall, after ascertaining that a sufficient number of registered voters have signed, cause to be held an election on the question or issue within sixty (60) days of receipt of said petition, provided, however, that an election on a constitutional amendment must be called by the Secretary of the Interior as provided in Article XIII. Thirty percent (30%) of the registered voters shall constitute a sufficient number of voters under this section.

Sec. 4. Any measures referred to the tribe by the initiative or by the referendum shall take effect and be in force when approved by a majority of the votes cast in such election in which at least forty percent (40%) of the registered voters have voted, except that measures requiring approval of the Secretary of the Interior shall not be effective until approved by him.

Sec. 5. All measures referred to the tribe for approval or disapproval by election shall begin with the words: "Be It ENACTED BY THE Members of the Mississippi Band of Choctaw Indians."

Sec. 6. Referendum or initiative petitions filed under Article XI must be submitted under a cover letter signed by at least three (3) sponsors who are members of the tribe and who are registered to vote in tribal elections.
Said cover letter must be signed by the sponsors in the presence of a registered notary public, and said petitions must be filed in accordance with a procedure to be established by the tribal council.

ARTICLE XII — REPEAL AND SAVING CLAUSE

Sec. 1. The constitution and bylaws of the Mississippi Band of Choctaw Indians approved May 22, 1945, and revised in November 28, 1969, under the provisions of the Act of June 18, 1934, as amended, is hereby repealed and superseded by this constitution. Howard Wheeler Indian Reorganization 1934 Act.

Sec. 2. All ordinances and resolutions heretofore enacted by the Mississippi Band of Choctaw Indians shall remain in full force and effect to the extent that they are consistent with this constitution.

Sec. 3. In the event any sentence, paragraph or section of this constitution and bylaws shall be held unconstitutional or invalid by a Federal court of competent jurisdiction, the remaining sentences, paragraphs or sections shall remain valid and be presumed consistent with the United States Constitution.

ARTICLE XIII — AMENDMENTS

This constitution and bylaws may be amended by a majority vote of the qualified voters of the tribe voting at an election called for that purpose by the Secretary of the Interior, provided that at least forty percent (40%) of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment when requested by a sufficient number of qualified voters as provided in Article XI or by the tribal council.

BYLAWS OF THE MISSISSIPPI BAND OF CHOCTAW INDIANS

ARTICLE I — DUTIES OF TRIBAL COUNCIL OFFICERS

Sec. 1. The vice chief of the tribal council shall assist the tribal chief when called upon to do so by the chief and, in the absence of the tribal chief, it shall be his duty and responsibility to preside over tribal council meetings.

Sec. 2. The secretary-treasurer of the tribal council shall insure that an accurate record of all transactions of the council is maintained. He shall submit promptly, to the Superintendent of the Choctaw Agency, copies of the minutes, resolutions adopted, and ordinances passed at all regular and special meetings of the tribal council as required by the Secretary of the Interior.

Sec. 3. The secretary-treasurer of the tribal council shall cause to be audited all tribal funds and accounts at least once each year and at such other times as required by the tribal council or by the Secretary of the Interior and shall sign and approve all disbursements of tribal funds (or funds under control of the tribe); he shall also sign and approve all contracts negotiated by the tribal chief on behalf of the tribe unless otherwise provided by the tribal council.

Sec. 4. The secretary-treasurer of the tribal council, and such other officers and employees of the tribe who are responsible for safeguarding tribal resources, shall be bonded and the cost of such bond shall be borne by the tribe. The amount of the bond shall be determined by the tribal council as required by the Secretary of the Interior.

Sec. 5. The secretary-treasurer of the tribal council, by reason of his office, shall preside over such committees as are established by the tribal council on budgetary and financial matters.

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ARTICLE II — MEETINGS

Sec. 1. The tribal council shall hold regular meetings on the second Tuesday in January, April, July, and October of each year. Special meetings of the tribal council:

(a) may be called by the tribal chief when in his judgment they are requireed.

(b) shall be called by the tribal chief at the written request of at least nine (9) members of the tribal council or a majority of the council membership, whichever is higher.

The business of special meetings shall be limited to the matters specified in the call.

Sec. 2. A majority of the members of the tribal council shall constitute a quorum for the transaction of any tribal business.

Sec. 3. The tribal council in the conduct of its business shall be governed by Robert's Rules of Order.

ARTICLE III — ADOPTION

This constitution and bylaws, when adopted by a majority vote of the enrolled members of the Mississippi Band of Choctaw Indians voting in a special election called for that purpose by the Secretary of the Interior and in which at least thirty percent (30%) of those persons entitled to vote shall have voted, shall be submitted to the Secretary of the Interior for his approval. The date of such approval shall be the effective date of this constitution and bylaws.

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to an election authorized by the Acting Deputy Commissioner of Indian Affairs on October 17, 1974, the attached Revised Constitution and Bylaws of the Mississippi Band of Choctaw Indians was submitted to the qualified voters of the band and was on December 17, 1974, duly adopted by a vote of 325 for, and 237 against, in an election in which at least thirty percent of the 1687 entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

APPROVAL

I, (Sgt) Morris Thompson, Commissioner of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and delegated to me by 230 DM 1.1, do hereby approve the Revised Constitution and Bylaws of the Mississippi Band of Choctaw Indians, duly adopted by the qualified voters on December 17, 1974.

Commissioner of Indian Affairs

Washington, D.C.

Date: March 28, 1975

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